

THE NATIONAL ARCHIVES  
LITTERA  
SCRIPTA  
MANET  
1934  
OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 10      NUMBER 158

*Washington, Thursday, August 9, 1945*

## Regulations

### TITLE 6—AGRICULTURAL CREDIT

#### Chapter II—Commodity Credit Corporation

#### PART 260—FLUID MILK PAYMENT PROGRAM OFFER TO MAKE PAYMENTS IN NEW YORK METROPOLITAN AREA DURING JULY 1945 THROUGH JUNE 1946

Whereas, the Director of Economic Stabilization and the War Food Administrator of the United States approved on June 16, 1945 and May 12, 1945, respectively, a Fluid Milk Payment Program for the purpose of insuring, in accordance with Executive Order 9250 of October 3, 1942, and Executive Order 9328 of April 8, 1943, the maximum necessary production and distribution of fluid milk and the maintenance of price ceilings with respect to such milk.

Now, therefore, Commodity Credit Corporation (hereinafter referred to as "Commodity"), a corporate agency of the United States, hereby offers, subject to the terms and conditions hereinafter specified, to make payments on milk to any handler.

#### § 260.20 *New York metropolitan area.*

(a) Commodity will make payments to any handler at the rate of 20 cents per hundredweight on all Class I milk which is priced pursuant to § 927.4 (a) (1) of Order No. 27 and for which the handler is determined by the market administrator to be accountable under Order No. 27 during each calendar month from July 1, 1945, to June 30, 1946, inclusive.

(b) Settlement hereunder shall be made on a monthly basis, upon the presentation of such documents and supporting proofs as Commodity may require, by the payment from Commodity to the market administrator of 20 cents per hundredweight and by the market administrator's payment of such amount either (1) into the Producer-Settlement Fund established under Order No. 27 as a credit against the handler's obligation to make payments to the Producer-Settlement Fund, or (2) to the handler as a

credit, increasing the market administrator's obligation to make payments to the handler out of the Producer-Settlement Fund: *Provided*, That no settlement will be made hereunder with any handler if (i) he has been determined by Commodity to have charged for milk for fluid consumption resale prices higher than the maximum prices applicable to such sales pursuant to the maximum price regulations of the Office of Price Administration during the month for which payments would otherwise be made, or (ii) he has been determined by the market administrator not to be fully in compliance with Order No. 27 insofar as it relates to prices payable to producers.

(c) Any handler with whom settlement is made hereunder shall, by accepting such settlement, be deemed to have ratified and confirmed the action of the market administrator in accepting this offer on his behalf and to have authorized and instructed the market administrator to deduct from any payments thereafter due to such handler under Order No. 27 and pay to Commodity any amount which may be due to Commodity by reason of the payment to the market administrator hereunder or under any other similar offer of any amount determined by Commodity to have been erroneously or improperly credited or paid to the handler.

(d) Every handler with whom settlement is made hereunder shall keep accurate and complete books, records, and accounts with respect to his production, receipts, utilization, and sales of milk and with respect to his sales receipts, cost of products, and operating costs, and shall keep such other books, records, and accounts and submit such information and reports as Commodity may require. Such books, records, and accounts shall be available for inspection by Commodity or its designated agents at any reasonable time.

(e) This offer may be partially or wholly revoked or modified by publication of a notice thereof in the *FEDERAL REGISTER* by Commodity at any time, but notwithstanding any such revocation or

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A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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modification, settlement shall be made as provided in section 2 hereof with respect to any milk disposed of pursuant to the terms and conditions hereof prior to such revocation or modification.

(f) *Definitions.* (1) The term "Order No. 27," as used herein, shall mean the order, as amended, issued by the Secretary of Agriculture of the United States, regulating the handling of milk in the New York metropolitan milk marketing area.

(2) The terms "New York metropolitan milk marketing area," "market administrator," "producer," "handler" and "Class I milk" shall have the same meaning herein as is given such terms by Order No. 27.

(g) This offer may be accepted only by the market administrator acting on behalf of the handler.

Dated: August 8, 1945.

[SEAL] R. W. MAYCOCK,  
Vice President.

[F. R. Doc. 45-14619; Filed, Aug. 8, 1945; 11:21 a. m.]

#### PART 260—FLUID MILK PAYMENT PROGRAM

##### OFFER TO MAKE PAYMENTS IN PHILADELPHIA, PA., AREA DURING JULY 1945 THROUGH JUNE 1946

Whereas, the Director of Economic Stabilization and the War Food Administrator of the United States approved on June 16, 1945 and May 12, 1945, respectively, a Fluid Milk Payment Program for the purpose of insuring, in accordance with Executive Order No. 9250 of October 3, 1942, and Executive Order No. 9328 of April 8, 1943, the maximum necessary production and distribution of fluid milk and the maintenance of price ceilings with respect to such milk.

Now, therefore, Commodity Credit Corporation (hereinafter referred to as "Commodity"), a corporate agency of the United States, hereby offers, subject to the terms and conditions herein specified, to make payments to handlers on fluid milk disposed of by such handlers in the Philadelphia, Pennsylvania, area.

§ 260.30 *Philadelphia, Pennsylvania, area.* (a) Commodity will make a payment to each handler, regardless of

whether or not such handler purchases milk from producers, of 35 cents per hundredweight on Class I milk containing not more than 6.0 percent butterfat disposed of in the Philadelphia, Pennsylvania, area by such handler, as determined by Commodity or its designated agent, from July 1, 1945, through June 30, 1946, except (1) any such milk sold by such handler to another handler, and (2) any such milk disposed of by such handler for use by the armed forces of the United States: *Provided*, That the rate of payment on the quantity of milk which was not received from producers, either directly or from other handlers, shall be reduced by the difference between the prices paid, beginning with the lowest, for such nonproducer milk, and the price prescribed by Order No. 61 for Class I milk of the same test and place of receipt. Payment will be made to each handler on nonproducer milk only to the extent that receipts from producers, including receipts of producer milk from other handlers, are less than the total Class I milk otherwise eligible for payment, and if satisfactory showing is made as to the prices paid for nonproducer milk.

(b) Settlement hereunder shall be made on a monthly basis upon the presentation, within 90 days after the end of the calendar month for which payments are claimed, to, and approval by, Commodity, or such agent as it may designate, of a claim for payments, supported by a written statement by such handler, made under oath before a notary public or other official authorized by law to administer oaths, that (1) resale prices charged by him for milk for fluid consumption sold during the month for which payments are claimed did not exceed the resale price applicable to such sales pursuant to maximum price regulations of the Office of Price Administration, and (2) he has paid producers for all milk which he received from such producers during such month as required by Order No. 61. The documents presented pursuant to this paragraph shall be in such form and contain such certification as Commodity may prescribe.

(c) The performance by the handler of the terms and conditions set forth in this offer together with the submission to Commodity of a claim for payments by the handler, pursuant to this offer, shall constitute an acceptance of this offer for the month for which payments are claimed.

(d) Each handler who files a claim for payments shall have accurate and complete books, records, and accounts with respect to his production, receipts, utilization, and sales of milk, and with respect to his sales receipts, costs of products, and operating costs, and shall keep such other books, records and accounts and submit such reports as Commodity may require. Such books, records, and accounts shall be available for inspection by Commodity or its designated agent at any reasonable time.

(e) This offer may be partially or wholly revoked or modified by publication of a notice thereof in the FEDERAL REGISTER by Commodity at any time but, notwithstanding any such revocation or modification, settlement shall be made

as provided in paragraph (b) hereof with respect to any milk disposed of pursuant to the terms and conditions hereof prior to such revocation or modification.

(f) *Definition.* (1) The term "Order No. 61," as used herein, means the order, as amended, issued by the Secretary of Agriculture of the United States, regulating the handling of milk in the Philadelphia, Pennsylvania, milk marketing area.

(2) The term "Philadelphia, Pennsylvania, area," as used herein, means the "Philadelphia, Pennsylvania, milk marketing area," as defined in Order No. 61; and the terms "Class I Milk," "handler" and "producer," as used herein, shall have the same meaning as is given such terms by Order No. 61.

Dated: August 8, 1945.

[SEAL] R. W. MAYCOCK,  
Vice President.

[F. R. Doc. 45-14618; Filed, Aug. 8, 1945; 11:21 a. m.]

#### PART 260—FLUID MILK PAYMENT PROGRAM

##### OFFER TO MAKE PAYMENTS IN PHILADELPHIA, PA., SUBURBAN AREA AND IN PENNSYLVANIA AREAS NOS. 4, 6, 8, AND 12, DURING JULY 1945 THROUGH JUNE 1946

Whereas, the Director of Economic Stabilization and the War Food Administrator of the United States approved on June 16, 1945 and May 12, 1945, respectively, a Fluid Milk Payment Program for the purpose of insuring, in accordance with Executive Order No. 9250 of October 3, 1942, and Executive Order No. 9328 of April 8, 1943, the maximum necessary production and distribution of fluid milk and the maintenance of price ceilings with respect to such milk.

Now, therefore, Commodity Credit Corporation (hereinafter referred to as "Commodity"), a corporate agency of the United States, hereby offers, subject to the terms and conditions herein specified, to make payments to handlers on fluid milk disposed of by such handlers in the Philadelphia, Pennsylvania, suburban area and in the Pennsylvania areas Nos. 4, 6, 8, and 12, as defined herein.

##### § 260.40 *Philadelphia suburban and other designated Pennsylvania areas.*

(a) Commodity will make a payment to each handler, regardless of whether or not such handler purchases milk from producers, on Class I milk containing not more than 6.0 percent butterfat disposed of in the Philadelphia, Pennsylvania, suburban area and in the Pennsylvania Areas Nos. 4, 6, 8, and 12, by such handler, as determined by Commodity or its designated agent, from July 1, 1945 through June 30, 1946, except (1) any such milk sold by such handler to another handler, and (2) any such milk disposed of by such handler for use by the armed forces of the United States, as follows:

Area:	Cents per hundredweight
Philadelphia Suburban	40
Pennsylvania Area No. 4	40
Pennsylvania Area No. 6	33
Pennsylvania Area No. 8	38
Pennsylvania Area No. 12	33



*Provided*, That the rate on the quantity of milk which was not received from producers, either directly or from other handlers, shall be reduced by the difference between the prices paid, beginning with the lowest, for such nonproducer milk and the price specified for producer milk under applicable orders of the Pennsylvania Milk Control Commission for Class I milk of the same test in the area of sale. Payment will be made to each handler on nonproducer milk only to the extent that receipts from producers, including receipts of producer milk from other handlers, are less than the total Class I milk otherwise eligible for payment, and if satisfactory showing is made as to price paid for nonproducer milk.

(b) Settlement hereunder shall be made on a monthly basis upon the presentation, within 90 days after the end of the calendar month for which payments are claimed, to, and approval by, Commodity, or such agent as it may designate, of a claim for payments, supported by a written statement by such handler, made under oath before a notary public or other official authorized by law to administer oaths, that (1) resale prices charged by him for milk for fluid consumption sold during the month for which payments are claimed did not exceed the resale price applicable to such sales pursuant to maximum price regulations of the Office of Price Administration, and (2) he has paid producers for all milk which he received from such producers during such months not less than the prices specified by applicable orders of the Pennsylvania Milk Control Commission. The documents presented pursuant to this paragraph shall be in such form and contain such certification as Commodity may prescribe.

(c) The performance by the handler of the terms and conditions set forth in this offer together with the submission to Commodity of a claim for payments by the handler, pursuant to this offer, shall constitute an acceptance of this offer for the month for which payments are claimed.

(d) Each handler who files a claim for payments shall have accurate and complete books, records, and accounts with respect to his production, receipts, utilization, and sales of milk, and with respect to his sales receipts, costs of products, and operating costs, and shall keep such other books, records, and accounts and submit such reports as Commodity may require. Such books, records, and accounts shall be available for inspection by Commodity or its designated agent at any reasonable time.

(e) This offer may be partially or wholly revoked or modified by publication of a notice thereof in the *FEDERAL REGISTER* by Commodity at any time but, notwithstanding any such revocation or modification, settlement shall be made as provided in section 2 hereof with respect to any milk disposed of pursuant to the terms and conditions hereof prior to such revocation or modification.

(f) *Definitions.* (1) The term "Philadelphia, Pennsylvania, suburban area," as used herein, means the territory described as Philadelphia, Pennsylvania, Suburban Area, Area 1-A, by the Penn-

sylvanian Milk Control Commission in Order A-119, except any part of Delaware County, Pennsylvania. The terms "Pennsylvania Areas Nos. 4, 6, 8 and 12," as used herein, means the territories described respectively as the Schuylkill, Lehigh, Harrisburg, and York milk marketing areas by the Pennsylvania Milk Control Commission in Official Orders Nos. A-130, A-116, A-132, and A-131.

(2) The term "Class I milk," as used herein, means all milk disposed of in the form of fluid milk, buttermilk, flavored milk drinks, or skim milk for fluid consumption.

(3) The term "producer," as used herein, means any person who is a producer as defined in Order No. 61, as amended, issued by the Secretary of Agriculture, regulating the handling of milk in the Philadelphia, Pennsylvania, milk marketing area, and any other person who produces milk on a farm from which milk is (i) distributed for fluid consumption in the Philadelphia, Pennsylvania, suburban area, and in the Pennsylvania areas Nos. 4, 6, 8, and 12, or (ii) delivered direct to a plant from which milk is distributed directly for fluid consumption in the respective areas.

(4) The term "handler," as used herein, means any person who distributes from a milk plant during the month for which payment is claimed pursuant to this offer more than 20 quarts of Class I milk per day within the areas defined in (1) above.

Dated: August 8, 1945.

[SEAL]

R. W. MAYCOCK,  
Vice President.

[F. R. Doc. 45-14623; Filed, Aug. 8, 1945;  
11:23 a. m.]

#### PART 260—FLUID MILK PAYMENT PROGRAM

OFFER TO MAKE PAYMENTS IN WILMINGTON, DEL., AREA DURING JULY 1945 THROUGH JUNE 1946

Whereas, the Director of Economic Stabilization and the War Food Administrator of the United States approved on June 16, 1945 and May 12, 1945, respectively, a Fluid Milk Payment Program for the purpose of insuring, in accordance with Executive Order No. 9250 of October 3, 1942, and Executive Order No. 9328 of April 8, 1943, the maximum necessary production and distribution of fluid milk and the maintenance of price ceiling with respect to such milk.

Now, therefore, Commodity Credit Corporation (hereinafter referred to as "Commodity"), a corporate agency of the United States, hereby offers, subject to the terms and conditions herein specified, to make payments to handlers on fluid milk disposed of by such handlers in the Wilmington, Delaware, Area.

§ 260.50 *Wilmington, Delaware, area.* (a) Commodity will make a payment to each handler, regardless of whether or not such handler purchases milk from producers, of 35 cents per hundred-weight on Class I milk disposed of in the Wilmington, Delaware, area by such handler, as determined by Commodity

or its designated agent, from July 1, 1945, through June 30, 1946, except (1) any such milk sold by such handler to another handler, and (2) any such milk disposed of by such handler for use by the armed forces of the United States: *Provided*, That the quantity of Class I milk shall be determined from the volume weight of Class I products except that a handler who makes payment to producers only on an amount of Class I milk determined on the basis of the butterfat disposed of in Class I milk may claim payments under this section only on an amount computed on the same basis: *And provided*, That the rate of payment on the quantity of milk which is emergency milk, shall be reduced by the difference between the prices paid, beginning with the lowest, for such emergency milk, and the price applicable to producer milk under the conditions set forth in paragraph (e) for Class I milk of the same test. Payment will be made to each handler on emergency milk only to the extent that receipts from producers, including receipts of producer milk from other handlers, by such handler are less than the total Class I milk otherwise eligible for payment, and if satisfactory showing is made as to the prices paid for emergency milk.

(b) Settlement hereunder shall be made on a monthly basis upon the presentation, within 90 days after the end of the calendar month for which payments are claimed, to, and approval by, Commodity or such agent as it may designate, of a claim for payments, supported by a written statement by such handler, made under oath before a notary public or other official authorized by law to administer oaths, that (1) resale prices charged by him for milk for fluid consumption sold during the month for which payments are claimed did not exceed the resale price applicable to such sales pursuant to maximum price regulations of the Office of Price Administration, and (2) he has paid producers for all milk which he received from such producers during such month not less than the applicable price or prices prescribed by paragraph (e) of this offer. The documents presented pursuant to this section shall be in such form and contain such certification as Commodity may prescribe.

(c) The performance by the handler of the terms and conditions set forth in this offer together with the submission to Commodity of a claim for payments by the handler, pursuant to this offer, shall constitute an acceptance of this offer for the month for which payments are claimed.

(d) Each handler who files a claim for payments shall have accurate and complete books, records, and accounts with respect to his production, receipts, utilization, and sales of milk, and with respect to his sales receipts, costs of products, and operating costs, and shall keep such other books, records, and accounts and submit such reports as Commodity may require. Such books, records, and accounts shall be available for inspection by Commodity or its designated agent at any reasonable time.

(e) Each handler who, pursuant to paragraph (c) hereof, accepts this offer for



any month shall (1) pay producers not less than \$3.93 per hundredweight for all milk received from them that is not in excess of the total quantity of Class I milk disposed of by such handler, and all milk in excess of 2 percent of receipts which is not accounted for in Class I and Class II disposition, and (2) pay producers for all other milk received from them during such period not less than the Class II price per hundredweight, as announced by the market administrator pursuant to Order No. 61, less 12 cents: *Provided*, That if the milk received from any producer has a butterfat content other than 4 percent, the minimum prices specified in this section shall be increased by 4 cents for each one-tenth of 1 percent of average butterfat content of such milk above 4 percent and shall be decreased by 4 cents for each one-tenth of 1 percent of average butterfat content of such milk below 4 percent.

(f) This offer may be partially or wholly revoked or modified by publication of a notice thereof in the *FEDERAL REGISTER* by Commodity at any time but, notwithstanding any such revocation or modification, settlement shall be made as provided in section 2 hereof with respect to any milk disposed of pursuant to the terms and conditions hereof prior to such revocation or modification.

(g) When used herein (1) the term "Wilmington, Delaware, Area," means the county of New Castle, in the State of Delaware.

(2) The term "Class I milk," means all milk disposed of in the form of fluid milk, buttermilk, flavored milk drinks, and skim milk for fluid consumption.

(3) The term "Class II milk," means all milk other than Class I milk including not more than 2 percent of receipts which are not accounted for by the handler.

(4) The term "producer," means any person, irrespective of whether such person is also a handler, who produces milk on a farm which milk is (i) distributed by him in the Wilmington, Delaware, area for fluid consumption, or (ii) delivered direct to a plant from which milk is distributed for fluid consumption in the Wilmington, Delaware, area.

(5) The term "handler," means any person, irrespective of whether such person is also a producer, who distributes from a milk plant during the month for which payments are claimed pursuant to this offer more than 20 quarts of Class I milk per day within the Wilmington, Delaware, area.

(f) The term "Order No. 51," means the order, as amended, issued by the Secretary of Agriculture of the United States, regulating the handling of milk in the Philadelphia, Pennsylvania, milk marketing area.

(g) The term "emergency milk" as used herein, means any milk other than that received from producers either directly or from other handlers.

Dated: August 8, 1945.

[SEAL]

R. W. MAYCOCK,  
Vice President.

[F. R. Doc. 45-14624; Filed, Aug. 8, 1945;  
11:23 a. m.]

#### PART 260—FLUID MILK PAYMENT PROGRAM

##### OFFER TO MAKE PAYMENTS IN FORT WAYNE, IND., MARKETING AREA DURING JULY 1945 THROUGH JUNE 1946

Whereas, the Director of Economic Stabilization and the War Food Administrator of the United States approved on June 16, 1945 and May 12, 1945, respectively, a Fluid Milk Payment Program for the purpose of insuring, in accordance with Executive Order No. 9250 of October 3, 1942, and Executive Order No. 9328 of April 8, 1943, the maximum necessary production and distribution of fluid milk and the maintenance of price ceilings with respect to such milk.

Now, therefore, Commodity Credit Corporation (hereinafter referred to as "Commodity"), a corporate agency of the United States, hereby offers, subject to the terms and conditions herein specified, to make payments to handlers on fluid milk disposed of by such handlers in the Fort Wayne, Indiana, marketing area.

§ 260.60 *Fort Wayne, Indiana, area.* Commodity will make a payment to each handler in the Fort Wayne, Indiana, marketing area, regardless of whether or not such handler purchases milk from producers, on Class I milk disposed of by such handler, as determined by Commodity or its designated agent, from July 1, 1945, through June 30, 1946, except, (1) any such milk sold by such handler to another handler, (2) any such milk disposed of by such handler for use by the armed forces of the United States, (3) any such milk of such handler's own production, and (4) any such milk which is emergency milk. The rate of payment per hundredweight of milk shall be, in any calendar month, computed as follows: From the Class I price determined for such month pursuant to Order No. 32 subtract \$3.53.

(b) Settlement hereunder shall be made on a monthly basis upon the presentation, within 90 days after the end of the calendar month for which payments are claimed, to, and approval by, Commodity, or such agent as it may designate, of a claim for payments, supported by a written statement by such handler, made under oath before a notary public or other official authorized by law to administer oaths, that (1) resale prices charged by him for milk for fluid consumption sold during the month for which payments are claimed did not exceed the resale price applicable to such sales pursuant to maximum price regulations of the Office of Price Administration, and (2) he has paid producers for all milk which he received from such producers during such month as required by Order No. 32. The documents presented pursuant to this paragraph shall be in such form and contain such certification as Commodity may prescribe.

(c) The performance by the handler of the terms and conditions set forth in this offer together with the submission to Commodity of a claim for payments by the handler, pursuant to this offer, shall constitute an acceptance of this offer for the month for which payments are claimed.

(d) Each handler who files a claim for payments shall have accurate and complete books, records, and accounts with respect to his production, receipts, utilization, and sales of milk, and with respect to his sales receipts, costs of products, and operating costs, and shall keep such other books, records, and accounts and submit such reports as Commodity may require. Such books, records, and accounts shall be available for inspection by Commodity or its designated agent at any reasonable time.

(e) This offer may be partially or wholly revoked or modified by publication of a notice thereof in the *FEDERAL REGISTER* by Commodity at any time, but, notwithstanding any such revocation or modification, settlement shall be made as provided in paragraph (b) hereof with respect to any milk disposed of pursuant to the terms and conditions hereof prior to such revocation or modification.

(f) Any handler with whom settlement is made pursuant to section 2 of this offer shall, by accepting such settlement, be deemed to have authorized the market administrator of Order No. 32 to deduct from any payments thereafter due to such handler under Order No. 32, and to pay to Commodity, any amount which may be due Commodity by reason of the payment hereunder to the handler of any amount determined by Commodity to have erroneously or improperly been paid to the handler.

(g) *Definitions.* (1) The term "Order No. 32," as used herein, shall mean the order, as amended, issued by the War Food Administrator, regulating the handling of milk in the Fort Wayne, Indiana, marketing area.

(2) The terms "Fort Wayne, Indiana, marketing area," "Class I price," "delivery period," "Class I milk," "handler," and "emergency milk," as used herein, shall have the same meaning as is given such terms by Order No. 32.

Dated: August 8, 1945.

[SEAL]

R. W. MAYCOCK,  
Vice President.

[F. R. Doc. 45-14620; Filed, Aug. 8, 1945;  
11:21 a. m.]

#### PART 260—FLUID MILK PAYMENT PROGRAM

##### OFFER TO MAKE PAYMENTS IN OMAHA-COUNCIL BLUFFS MARKETING AREA DURING JULY 1945 THROUGH JUNE 1946

Whereas, the Director of Economic Stabilization and the War Food Administrator of the United States approved on June 16, 1945 and May 12, 1945, respectively, a Fluid Milk Payment Program for the purpose of insuring, in accordance with Executive Order No. 9250 of October 3, 1942, and Executive Order No. 9328 of April 8, 1943, the maximum necessary production and distribution of fluid milk and the maintenance of price ceilings with respect to such milk.

Now, therefore, Commodity Credit Corporation (hereinafter referred to as "Commodity"), a corporate agency of the United States, hereby offers, subject to the terms and conditions herein specified, to make payments to handlers on fluid milk disposed of by such handlers



in the Omaha-Council Bluffs marketing area.

§ 260.70 *Omaha-Council Bluffs marketing area.* (a) Commodity will make a payment to each handler, regardless of whether or not such handler purchases milk from producers, of 25 cents per hundredweight on Class I milk disposed of in the Omaha-Council Bluffs marketing area by such handler, as determined by Commodity or its designated agent, from July 1, 1945, through June 30, 1946, except (1) any such milk sold by such handler to another handler, (2) any such milk disposed of by such handler for use by the armed forces of the United States, (3) any such milk of such handler's own production, and (4) any such milk which is emergency milk.

(b) Settlement hereunder shall be made on a monthly basis upon the presentation, within 90 days after the end of the calendar month for which payments are claimed, to, and approved by, Commodity, or such agent as it may designate, of a claim for payments, supported by a written statement by such handler, made under oath before a notary public or other official authorized by law to administer oaths, that (1) resale prices charged by him for milk for fluid consumption sold during the month for which payments are claimed did not exceed the resale price applicable to such sales pursuant to maximum price regulations of the Office of Price Administration, and (2) he has paid producers for all milk which he received from such producers during such month as required by Order No. 35. The documents presented pursuant to this paragraph shall be in such form and contain such certification as Commodity may prescribe.

(c) The performance by the handler of the terms and conditions set forth in this offer together with the submission to Commodity of a claim for payments by the handler, pursuant to this offer, shall constitute an acceptance of this offer for the month for which payments are claimed.

(d) Each handler who files a claim for payments shall have accurate and complete books, records, and accounts with respect to his production, receipts, utilization, and sales of milk, and with respect to his sales receipts, costs of products, and operating costs, and shall keep such other books, records, and accounts and submit such reports as Commodity may require. Such books, records, and accounts shall be available for inspection by Commodity or its designated agent at any reasonable time.

(e) This offer may be partially or wholly revoked or modified by publication of a notice thereof in the FEDERAL REGISTER by Commodity at any time but, notwithstanding any such revocation or modification, settlement shall be made as provided in paragraph (b) hereof with respect to any milk disposed of pursuant to the terms and conditions hereof prior to such revocation or modification.

(f) *Definitions.* (1) The term "Order No. 35" as used herein, shall mean the order, as amended, issued by the Secretary of Agriculture of the United States, regulating the handling of milk in the Omaha-Council Bluffs marketing area.

(2) The terms "Omaha-Council Bluffs marketing area," "Class I milk," "handler," and "emergency milk," as used herein, shall have the same meaning as is given such terms by Order No. 35.

Dated: August 8, 1945.

[SEAL]

R. W. MAYCOCK,  
Vice President.

[F. R. Doc. 45-14622; Filed, Aug. 8, 1945;  
11:23 a. m.]

#### PART 260—FLUID MILK PAYMENT PROGRAM

OFFER TO MAKE PAYMENTS IN BALTIMORE, MARYLAND, AREA DURING JULY 1945 THROUGH JUNE 1946

Whereas, the Director of Economic Stabilization and the War Food Administrator of the United States approved on June 16, 1945 and May 12, 1945, respectively, a Fluid Milk Payment Program for the purpose of insuring, in accordance with Executive Order No. 9250 of October 3, 1942, and Executive Order No. 9328 of April 8, 1943, the maximum necessary production and distribution of fluid milk and the maintenance of price ceilings with respect to such milk.

Now, therefore, Commodity Credit Corporation (hereinafter referred to as "Commodity"), a corporate agency of the United States, hereby offers, subject to the terms and conditions herein specified, to make payments to handlers on fluid milk disposed of by such handlers.

§ 260.80 *Baltimore, Md., area.* (a) Commodity will make a payment to each handler, regardless of whether or not such handler purchases milk from producers, of 35 cents per hundredweight on Class I milk disposed of by such handler from a milk plant supplying milk to the Baltimore, Maryland, area, as determined by Commodity or its designated agent, from July 1, 1945 through June 30, 1946, except (1) any such milk sold by such handler to another handler, (2) any such milk disposed of by such handler for use by the armed forces of the United States, and (3) any such milk which has been sold by a handler to any person and repurchased by the handler at a lower price: *Provided*, That the rate on the quantity of milk which is emergency milk shall be reduced by the difference between the prices paid, beginning with the lowest, for such emergency milk and the price applicable to producer milk under the conditions set forth in paragraph (e) for Class I milk of the same test and place of receipt. Payment will be made to each handler on emergency milk only to the extent that receipts from producers, including receipts of producer milk from other handlers, are less than the total Class I milk otherwise eligible for payment and if satisfactory showing is made as to price paid for emergency milk.

(b) Settlement hereunder shall be made on a monthly basis upon the presentation, within 90 days after the end of the calendar month for which payments are claimed, to, and approval by, Commodity, or such agent as it may designate, of a claim for payments, supported

by a written statement by such handler, made under oath before a notary public or other official authorized by law to administer oaths, that (1) resale prices charged by him for milk for fluid consumption sold during the month for which payments are claimed did not exceed the resale price applicable to such sales pursuant to maximum price regulations of the Office of Price Administration, and (2) he has paid producers for all milk which he received from such producers during such month not less than the applicable price or prices prescribed by paragraph (e) of this offer. The documents presented pursuant to this section shall be in such form and contain such certification as Commodity may prescribe.

(c) The performance by the handler of the terms and conditions set forth in this offer together with the submission to Commodity of a claim for payments by the handler, pursuant to this offer, shall constitute an acceptance of this offer for the month for which payments are claimed.

(d) Each handler who files a claim for payment shall have accurate and complete books, records, and accounts with respect to his production, receipts, utilization, and sales of milk, and with respect to his sales receipts, costs of products, and operating costs, and shall keep such other books, records and accounts and submit such reports as Commodity may require. Such books, records, and accounts shall be available for inspection by Commodity or its designated agent at any reasonable time.

(e) Each handler who, pursuant to paragraph (c) hereof, accepts this offer for any month shall (1) pay producers for all milk received from them that is not in excess of the quantity of Class I milk disposed of by such handler in the Baltimore, Maryland, area (i) \$4.10 per hundredweight for milk received at plants in such area and (ii) \$3.79 per hundredweight for milk received at plants outside such area; and (2) pay producers for all other milk received from them not less than the applicable Class II price per hundredweight as announced by the market administrator pursuant to Order No. 61, as amended, issued by the Secretary of Agriculture of the United States, regulating the handling of milk in the Philadelphia, Pennsylvania, milk marketing area: *Provided*, That if the milk received from any producer has a butterfat content other than 4 percent, the minimum prices specified in this section shall be increased by 5 cents for each 1/10 of 1 percent of average butterfat content of such milk above 4 percent and shall be decreased by 5 cents for each 1/10 of 1 percent of average butterfat content of such milk below 4 percent.

(f) This offer may be partially or wholly revoked or modified by publication of a notice thereof in the FEDERAL REGISTER by Commodity at any time but, notwithstanding any such revocation or modification, settlement shall be made as provided in paragraph (b) hereof with respect to any milk disposed of pursuant to the terms and conditions hereof prior to such revocation or modification.



(g) *Definitions.* (1) The term "Baltimore, Maryland, area," as used herein, includes the city of Baltimore, that portion of the county of Baltimore lying south of latitude 39°30', and Calvert and Anne Arundel Counties, all in the State of Maryland.

(2) The term "Class I milk," as used herein, means all milk disposed of for fluid consumption in the form of fluid milk, buttermilk, flavored milk drinks, or skim milk.

(3) The term "Class II milk," as used herein, means all milk other than Class I milk.

(4) The term "producer," as used herein, means any person, irrespective of whether such person is also a handler, who produces milk on a farm from which milk is delivered to a plant disposing of milk for fluid consumption in the Baltimore, Maryland area: *Provided*, That such farm is approved by the applicable health department, under its permanent program of farm inspections and other health department regulations, as a qualified source of milk for consumption as fluid milk within the Baltimore, Maryland area.

(5) The term "emergency milk" as used herein, means milk other than that received from producers.

(6) The term "handler," as used herein, means any person who distributed, from a milk plant, during the month for which payment is claimed pursuant to this offer, more than 20 quarts of Class I milk per day within the Baltimore, Maryland, area.

Dated: August 8, 1945.

[SEAL]

R. W. MAYCOCK,  
Vice President.

[F. R. Doc. 45-14621; Filed, Aug. 8, 1945;  
11:22 a. m.]

**PART 260—FLUID MILK PAYMENT PROGRAM**  
**OFFER TO MAKE PAYMENTS IN WASHINGTON, D. C., AREA DURING JULY 1945 THROUGH JUNE 1946**

Whereas, the Director of Economic Stabilization and the War Food Administrator of the United States approved on June 16, 1945 and May 12, 1945, respectively, a Fluid Milk Payment Program for the purpose of insuring, in accordance with Executive Order No. 9250 of October 3, 1942, and Executive Order No. 9328 of April 8, 1943, the maximum necessary production and distribution of fluid milk and the maintenance of price ceilings with respect to such milk.

Now, therefore, Commodity Credit Corporation (hereinafter referred to as "Commodity"), a corporate agency of the United States, hereby offers, subject to the terms and conditions herein specified, to make payments to handlers on fluid milk disposed of by such handlers.

**§ 260.90 Washington, D. C., area.**

(a) Commodity will make a payment to each handler, regardless of whether or not such handler purchases milk from producers, of 28 cents per hundredweight of fluid milk disposed of for fluid consumption by the handler from a milk plant supplying the Washington marketing area, as determined by Commodity

or its designated agent, from July 1, 1945, through June 30, 1946, except, (1) any such milk sold by such handler to another handler, and (2) any such milk disposed of by such handler for use by the armed forces of the United States: *Provided*, That the rate of payment on the quantity of such milk which is emergency milk, shall be reduced by the difference between the prices paid, beginning with the lowest, for such emergency milk, and the price prescribed by Order No. 45 for fluid milk disposed of for fluid consumption of the same test and place of receipt. Payment will be made to each handler on emergency milk only to the extent that receipts from producers, including receipts of producer milk from other handlers, are less than the total fluid milk disposed of for fluid consumption otherwise eligible for payment, and if satisfactory showing is made as to the prices paid for emergency milk.

(b) Settlement hereunder shall be made on a monthly basis upon the presentation, within 90 days after the end of the calendar month for which payments are claimed, to, and approval by, Commodity, or such agent as it may designate, of a claim for payments, supported by a written statement by such handler, made under oath before a notary public or other official authorized by law to administer oaths, that (1) resale prices charged by him for fluid milk disposed of for fluid consumption sold during the month for which payments are claimed did not exceed the resale price applicable to such sales pursuant to maximum price regulations of the Office of Price Administration, and (2) he has paid producers for all milk which he received from such producers during such month as required by Order No. 45. The documents presented pursuant to this section shall be in such form and contain such certification as Commodity may prescribe.

(c) The performance by the handler of the terms and conditions set forth in this offer together with the submission to Commodity of a claim for payments by the handler, pursuant to this offer, shall constitute an acceptance of this offer for the month for which payments are claimed.

(d) Each handler who files a claim for payments shall have accurate and complete books, records, and accounts with respect to his production, receipts, utilization, and sales of milk, and with respect to his sales receipts, costs of products, and operating costs, and shall keep such other books, records, and accounts and submit such reports as Commodity may require. Such books, records, and accounts shall be available for inspection by Commodity or its designated agent at any reasonable time.

(e) This offer may be partially or wholly revoked or modified by publication of a notice thereof in the *FEDERAL REGISTER* by Commodity at any time but, notwithstanding any such revocation or modification, settlement shall be made as provided in paragraph (b) hereof with respect to any milk disposed of pursuant to the terms and conditions hereof prior to such revocation or modification.

(f) *Definitions.* (1) The term "Order No. 45," as used herein shall mean the order, as amended, issued by the Secretary of Agriculture of the United States, regulating the handling of milk in the Washington, D. C., marketing area.

(2) The terms "Washington marketing area," "emergency milk," "handler," and "producer," as used herein, shall have the same meaning as are given such terms by Order No. 45.

(3) The term "fluid milk disposed of for fluid consumption," as used herein, shall include milk, buttermilk, skim milk, and flavored milk or milk drink disposed of for fluid consumption.

Dated: August 8, 1945.

[SEAL]

R. W. MAYCOCK,  
Vice President.

[F. R. Doc. 45-14626; Filed, Aug. 8, 1945;  
11:23 a. m.]

**PART 260—FLUID MILK PAYMENT PROGRAM**  
**OFFER TO MAKE PAYMENTS IN ARLINGTON-ALEXANDRIA, AREA DURING JULY 1945 THROUGH JUNE 1946**

Whereas, the Director of Economic Stabilization and the War Food Administrator of the United States approved on June 16, 1945 and May 12, 1945, respectively, a Fluid Milk Payment Program for the purpose of insuring, in accordance with Executive Order No. 9250 of October 3, 1942, and Executive Order No. 9328 of April 8, 1943, the maximum necessary production and distribution of fluid milk and the maintenance of price ceilings with respect to such milk.

Now, therefore, Commodity Credit Corporation (hereinafter referred to as "Commodity"), a corporate agency of the United States, hereby offers, subject to the terms and conditions herein specified, to make payments to handlers on fluid milk disposed of by such handlers.

**§ 260.100 Arlington-Alexandria, Va., area.**

(a) Commodity will make a payment to each handler, regardless of whether or not such handler purchases milk from producers, of 28 cents per hundredweight of fluid milk disposed of for fluid consumption by the handler from a milk plant supplying the Arlington-Alexandria area, as determined by Commodity or its designated agent, from July 1, 1945, through June 30, 1946, except, (1) any such milk sold by such handler to another handler, and (2) any such milk disposed of by such handler for use by the armed forces of the United States: *Provided*, That the rate of payment on the quantity of such milk which is emergency milk, shall be reduced by the difference between the prices paid, beginning with the lowest, for such emergency milk, and the price prescribed by the Virginia Milk Commission for the Arlington-Alexandria milk market for fluid milk disposed of for fluid consumption of the same test and place of receipt. Payment will be made to each handler on emergency milk only to the extent that receipts from producers, including receipts of producer milk from other handlers, are less than the total fluid milk disposed of for fluid consumption other-



wise eligible for payment, and if satisfactory showing is made as to the prices paid for emergency milk.

(b) Settlement hereunder shall be made on a monthly basis upon the presentation, within 90 days after the end of the calendar month for which payments are claimed, to, and approval by, Commodity, or such agent as it may designate, of a claim for payments, supported by a written statement by such handler, made under oath before a notary public or other official authorized by law to administer oaths, that (1) resale prices charged by him for fluid milk disposed of for fluid consumption sold during the month for which payments are claimed did not exceed the resale price applicable to such sales pursuant to maximum price regulations of the Office of Price Administration, and (2) he has paid producers for all milk which he received from such producers during the respective month in accordance with the rules and regulations for the supervision and control of the Arlington-Alexandria milk market, as amended, issued by the Commonwealth of Virginia Milk Control Commission. The documents presented pursuant to this section shall be in such form and contain such certification as Commodity may prescribe.

(c) The performance by the handler of the terms and conditions set forth in this offer together with the submission to Commodity of a claim for payments by the handler, pursuant to this offer, shall constitute an acceptance of this offer for the month for which payments are claimed.

(d) Each handler who files a claim for payments shall have accurate and complete books, records, and accounts with respect to his production, receipts, utilization, and sales of milk, and with respect to his sales receipts, costs of products, and operating costs, and shall keep such other books, records, and accounts and submit such reports as Commodity may require. Such books, records, and accounts shall be available for inspection by Commodity or its designated agent at any reasonable time.

(e) This offer may be partially or wholly revoked or modified by publication of a notice thereof in the FEDERAL REGISTER by Commodity at any time but, notwithstanding any such revocation or modification, settlement shall be made as provided in section 2 hereof with respect to any milk disposed of pursuant to the terms and conditions hereof prior to such revocation or modification.

(f) *Definitions.* (1) The term "Arlington-Alexandria sales area," as used herein, shall have the same meaning as is given such term in the rules and regulations for the supervision and control of the Arlington-Alexandria milk market, as amended, issued by the Commonwealth of Virginia Milk Control Commission.

(2) The term "fluid milk disposed of for fluid consumption," as used herein, shall include milk, buttermilk, skim milk, and flavored milk or milk drinks disposed of for fluid consumption.

(3) The term "handler," as used herein, shall mean any person, other than a person who is a handler as defined in Order No. 45, as amended, issued by the Secretary of Agriculture of the United States, regulating the handling of milk in the Washington, D. C., Marketing Area, who engages in the distribution from a milk plant of fluid milk disposed of for fluid consumption in the Arlington-Alexandria sales area.

(4) The term "producer," as used herein, means any person, irrespective of whether such person is also a handler, who produces milk on a farm from which milk is (i) distributed by him directly in the Arlington-Alexandria sales area as fluid milk disposed of for fluid consumption, or (ii) delivered direct to a plant located in the Arlington-Alexandria sales area which is approved or licensed for the sale of fluid milk disposed of for fluid consumption in the Arlington-Alexandria sales area.

(5) The term "emergency milk," as used herein, means any milk other than that received from producers either directly or from other handlers.

Dated: August 8, 1945.

[SEAL]

R. W. MAYCOCK,  
Vice President.

[F. R. Doc. 45-14625; Filed, Aug. 8, 1945;  
11:23 a. m.]

## TITLE 7—AGRICULTURE

### Chapter IX—Marketing Agreements and Orders

#### PART 927—ORDER REGULATING THE HANDLING OF MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

#### PART 945—ORDER REGULATING THE HANDLING OF MILK IN THE WASHINGTON, D. C., MARKETING AREA

#### PART 961—ORDER REGULATING THE HANDLING OF MILK IN THE PHILADELPHIA, PENNSYLVANIA, MARKETING AREA

#### DETERMINATION AS TO EQUIVALENT PRICES FOR SWEET CREAM

Pursuant to the provisions (8 F.R. 8294) of the marketing order, as amended, regulating the handling of milk in the New York metropolitan marketing area, and the order, as amended, regulating the handling of milk in the Washington, D. C., marketing area, and the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area, it is hereby determined that:

1. Market quotations for a 40-quart can of sweet cream (or a 40-quart can of 40 percent sweet cream) approved for "Pennsylvania only" are not being reported or published by the United States Department of Agriculture, and there is no applicable maximum uniform price; and

2. The prices reported by the United States Department of Agriculture for a 40-quart can of sweet cream (or a 40-quart can of 40 percent sweet cream) approved for "Pennsylvania only and New Jersey" or approved for "Pennsylvania" are equivalent to the prices of a

40-quart can of sweet cream (or a 40-quart can of 40 percent sweet cream) approved for "Pennsylvania only."

The prices under each of the said orders, as amended, shall be computed in accordance with this determination.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 52 Stat. 215; 53 Stat. 793; 56 Stat. 65; 7 U.S.C. 601 et seq.; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 4th day of August 1945.

[SEAL]

J. B. HUTSON,  
Acting Secretary of Agriculture.

[F. R. Doc. 45-14617; Filed, Aug. 8, 1945;  
11:21 a. m.]

### Chapter XI—War Food Distribution Orders

[WFO 62, as Amended, Termination]

#### PART 1405—FRUITS AND VEGETABLES

##### FIGS

War Food Order No. 62, as amended (8 F.R. 9177; 9 F.R. 4321, 4319, 9187; 10 F.R. 103), is terminated as of 12:01 a. m., e. w. t., August 1, 1945.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 62, as amended, prior to the effective time of the provisions hereof, the provisions of the said War Food Order No. 62, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 3d day of August 1945.

[SEAL]

J. B. HUTSON,  
Acting Secretary of Agriculture.

[F. R. Doc. 45-14363; Filed, Aug. 3, 1945;  
3:20 p. m.]

## TITLE 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Federal Security Agency

[Docket No. FDC-26]

#### PART 14—CACAO PRODUCTS

##### REQUIREMENTS AS TO CERTAIN INGREDIENTS

In the matter of definition and standard of identity for milk chocolate, sweet milk chocolate, milk chocolate coating, sweet milk chocolate coating.

Order postponing effective date of requirements of § 14.7 as to certain ingredients.

Upon application by the Association of Cocoa and Chocolate Manufacturers and upon the basis of showing made that under existing conditions it is difficult and at times impossible to obtain sufficient milk fat to comply with certain re-



quirements of § 14.7. It is ordered, That the effective date of § 14.7 insofar as it requires that milk chocolate contain not less than 3.66 percent by weight of milk fat and that in the dairy ingredients used the weight of the nonfat milk solids is not more than 2.43 times the milk fat therein, be postponed until April 1, 1946.

Dated: August 4, 1945.

[SEAL] WATSON B. MILLER,  
Acting Administrator.

[F. R. Doc. 45-14618; Filed, Aug. 8, 1945;  
10:40 a. m.]

## TITLE 24—HOUSING CREDIT

### Chapter IV—Home Owners' Loan Corporation

[Bulletin 376]

#### PART 403—COMPTROLLER

##### AUTHORITY TO SIGN CHECKS

Amending Part 403, Chapter IV, Title 24 of the Code of Federal Regulations.

Section 403.01-7 (10 F.R. 8450) is amended by deleting the first sentence of the first paragraph, and inserting the following sentence in lieu thereof:

§ 403.01-7 *Authority to sign checks.* The Regional Comptroller, the Regional Cashier, and the Assistant Regional Treasurer in each Regional Office, except the New York Region, are authorized individually to sign checks drawn on the Regional Working Fund maintained with the Treasurer of the United States for their respective Regions. \* \* \*

(Secs. 4 (a) and 4 (k), 48 Stat. 129, 132, 643, 647; 12 U.S.C. and Sup. 1463; E.O. 9070, 3 C.F.R. Cum. Supp.)

Effective August 6, 1945.

[SEAL] J. FRANCIS MOORE,  
Secretary.

[F. R. Doc. 45-14584; Filed, Aug. 7, 1945;  
2:21 p. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter VIII—Foreign Economic Administration

#### Subchapter B—Export Control

[Amdt. 74]

#### PART 804—INDIVIDUAL LICENSES

##### APPLICATIONS FILED BY VETERANS

Part 804 *Individual licenses* is hereby amended by adding thereto § 804.16 as follows:

§ 804.16 *Special provisions relating to applications filed by veterans—(a) General statement.* A special procedure is hereby established for the purpose of giving preferential consideration to export license applications submitted by veterans of the present war. The new procedure is designed to aid veterans who were engaged in the export business prior to entering the military service as well as veterans who are newcomers in the export trade. For the purpose of this special procedure, a veteran is defined as any person who shall have served in the active military or naval service of the United States at any time on or after

September 16, 1940, and who shall have been discharged or released therefrom under conditions other than dishonorable after active service of 90 days or more, or by reason of an injury or disability incurred in service in line of duty.

(b) *Veterans preference plan.* (1) Any person who qualifies as a veteran may receive preferential consideration of his applications for export licenses, to the extent outlined below, by submitting such applications in accordance with the procedure set forth in paragraph (c) of this section.

(2) The Foreign Economic Administration will set aside out of current quotas or allocations limited quantities of commodities against which export license applications submitted by veterans will be approved. The quantities set aside for this purpose will be established for individual commodities and may be changed or eliminated entirely depending on the current supply condition of the particular commodity. To the extent of the quantities thus set aside for particular commodities, applications submitted by veterans will be given preferential consideration over applications submitted by other persons.

(3) Veterans who are required under any regulations or procedures of the Foreign Economic Administration to submit records of past exports of particular commodities during a specified base period, and are unable to do so because of absence in the military service during the whole or any part of the specified base period, may comply with such regulations or procedures by submitting records of past exports of the particular commodity or commodities for other years prior to entering the military service. Such records of past exports submitted by veterans will be accepted by the Foreign Economic Administration as the basis for the veteran's participation in export quotas with other exporters even though a procedure or regulation requires other exporters to submit information as to past exports during a specified-base period in order to qualify for such participation.

(4) All regulations and procedures of the Foreign Economic Administration relating to exports, except as otherwise provided in this section, shall apply to applications for export licenses submitted by veterans and export licenses issued to veterans under this procedure.

(c) *Procedure for filing applications under the Veterans Preference Plan—(1) How to qualify.* To establish his status as a veteran, the veteran will prepare and submit a letter in duplicate addressed to the Foreign Economic Administration, Washington 25, D. C., Attention: Veterans Preference Officer, containing the following information:

(i) Name and address.  
(ii) If applications are to be submitted by a firm or corporation, state name and address of such firm or corporation.

(iii) A statement showing (a) date of entry into active military or naval service, (b) the type and date of discharge or release, including the title of the document, (c) the branch of the Service, and (d) the serial number. Instead of such statement the veteran may, if he wishes, furnish a photostatic copy or a copy of his discharge or release certified by a

commissioned officer of the armed forces or a notary public.

(iv) A statement that all export license applications submitted for special consideration under this procedure will be filed by the applicant for his own account or, if to be filed in the name of a firm or corporation, indicate the extent of the applicant's ownership interest in such firm or corporation and the extent of applicant's active participation in the business.

(2) *How to file applications.* All applications for export licenses submitted under this procedure shall be filed on the form or forms and in the manner prescribed for the filing of export license applications by the Foreign Economic Administration, except that each application filed under this procedure shall contain the statement "Veterans Preference" conspicuously placed on the face of the application.

(3) *Limitations.* In general, license applications filed by veterans under this procedure will not receive the benefits of the Veterans Preference Plan unless such applications are filed by the veteran for his own account or for the account of a firm or corporation in which he has at least a 50% ownership interest. No export license issued to a veteran under this procedure may be transferred except by written authorization of the Foreign Economic Administration.

This amendment shall become effective immediately upon publication.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 633, 77th Cong.; Pub. Law 397, 78th Cong.; Pub. Law 99, 79th Cong.; E.O. 8900, 6 F.R. 4795; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320).

Dated: August 6, 1945.

S. H. LEBENSBERGER,  
Director,  
Requirements and Supply Branch,  
Bureau of Supplies.

[F. R. Doc. 45-14586; Filed, Aug. 7, 1945;  
3:22 p. m.]

## Chapter XI—Office of Price Administration

### PART 1386—SOAP AND GLYCERINE

[MPR 391, Amdt. 6]

#### HOUSEHOLD SOAPS AND CLEANSERS SOLD BY MANUFACTURERS AND CERTAIN WHOLESALESALES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 391 is amended by adding section 14 to read as follows:

SEC. 14. *Package soaps modified in accordance with War Food Order 42b.* Until September 7, 1945 any manufacturer of a package soap who has replaced the anhydrous soap content thereof by builder to the minimum extent required by Amendment 6 to War Food Order 42b, as issued on July 23, 1945, may sell and deliver the package soap in the same mar-



ket areas as he was permitted to sell and deliver it before the change in anhydrous soap content, and the maximum prices for each seller of such package soap shall remain the same as before the change in anhydrous soap content.

This section 14 shall not apply to any package soap in which the replacement of anhydrous soap content exceeds the minimum required by said Amendment 6.

This amendment shall become effective August 7, 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-14590; Filed, Aug. 7, 1945;  
4:18 p. m.]

#### PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13, Incl. Amdts. 1-85]

##### PROCESSED FOODS

##### PREAMBLE

This compilation of Revised Ration Order 13 includes Amendment 85, effective August 13, 1945. The text added by Amendment 85 is underscored.

*Why processed foods must be rationed.* Our soldiers and sailors in combat areas must be fed—they must be well fed. The armed forces of our allies must be fed. War is fought, and won, as much by food as by munitions. Food is a weapon which we must forge and send wherever needed—to the millions of our fighting men—to our allies and their fighting men—to their fighters on the home front, in factories, in shipyards, in munitions plants.

Processed foods—canned and frozen fruits and vegetables, and dried fruits—have been aptly called "fighting foods." Because they are compact, easily shipped and easily prepared—because they can be kept for long periods without spoiling—they fill a vital need of our armed forces and those of our allies.

Thus, the war has brought a tremendous increase in the demand for processed foods. A large part of our supply of these fighting foods must be shipped to our armed forces and to our allies.

At the same time, the war has limited our ability to increase production indefinitely. Shortages of tin, rubber and steel—of manpower and of plant facilities—place definite limits on the possibilities of expansion.

The result is that our supplies are not sufficient to meet normal civilian demands. The supplies of processed foods which are available must therefore be rationed so that everyone can get his fair share.

The use of canned baby foods has increased tremendously during the past few years. Here, too, however, the war limits our ability to expand production indefinitely. Baby foods are therefore included in the program in order to help avoid depriving any mother of the convenience of using these foods because of uneven distribution of supplies. Babies have war ration books, and their books can be used for those foods.

*The point rationing system.* Processed foods are rationed by what is called a "point" system. A particular "price", in points, is fixed for each item of processed foods. That "price" is called its "point value". Every consumer is then given a certain number of "points" which he can "spend" for processed foods, just as he has a certain amount of money which he can spend. He can get less of a higher priced item, or more of a lower priced item.

The reason for adopting this system is that there are a great number of different items of processed foods. If the supply of each item were divided evenly, there would not be enough to go around. Thus, if everyone were given stamps for canned asparagus, the amount which each consumer could get would be too small to be useful.

However, many of those items can be substituted for each other. To a considerable extent, the use of one item, rather than another, depends upon personal preference. For example, one person may prefer canned peaches, while another prefers canned pears.

The point system provides a method for letting everyone choose the kinds he prefers. It gives the same type of flexibility that a person has when he spends his money. He can get canned peas or, if he prefers, canned asparagus. He can get a small can of peas and a small can of asparagus, instead of a large can of peas.

Furthermore, the point system provides a method for adjusting demand to the available supply. For example, if canned tomatoes are relatively plentiful, a low point value could be fixed. More people would then buy canned tomatoes, just as when the money price is low. If canned tomatoes become scarce, their point value is increased. Fewer consumers will then buy them, since consumers who do not want canned tomatoes badly will not wish to spend too many of their points on canned tomatoes, when they could get other processed foods at a lower point price.

The point rationing system has been in use in England for a long time. It works simply and easily—and it is the most satisfactory method yet devised for fair and flexible distribution of a group of commodities which should be rationed together.

*How consumers get processed foods.* Consumers are given "points" for processed foods in the form of the blue stamps in War Ration Book Two. Each stamp has a number which shows the number of points for which it is good.

Consumers register for and get War Ration Book Two during the week before processed foods rationing actually begins. When they apply for the book, they declare their stocks of processed foods and give up stamps for any excessive amounts they have.

During the week of registration for War Ration Book Two consumers are not permitted to buy processed foods. The reason for this is to give retailers a chance to stock up and to prepare to meet demands under rationing. At the same time, it helps make sure that all consumers start evenly. If purchases were permitted, a hoarder could get his

War Ration Book Two, and then go out and buy processed foods during the rest of the week without giving up points. This would give him an unfair advantage which would be inconsistent with the purposes of rationing.

When rationing begins, a consumer gives up stamps when he buys processed foods in much the same way as he gives up sugar stamps when he gets sugar. If he buys an item with a point value of 11 points, he gives up stamps worth 11 points. Retailers are required to post point values plainly, so that consumers will know just how many points each item costs.

Just as in the case of sugar, only certain stamps are good at a particular time. In this way, supplies are spread out evenly among consumers, over the year. At the outset of the program, 48 points worth of stamps will be good each month.

While no consumer starts with more points than the number in his War Ration Book Two, the order makes provision for cases of special need. A consumer who needs processed foods because of special dietary requirements due to illness can go to his local Board and get a certificate for more points, so that he can get the additional foods he needs. A consumer who lives in remote areas and who buys supplies for a long period at one time can exchange his stamps for a certificate, so that he can make his purchases all at once.

The order permits housewives to lend processed foods to each other. It also permits any person who has more processed foods of a particular kind than he needs, to exchange them for other types of processed foods of equal point value.

All of these provisions for special cases give the system necessary flexibility and permit it to operate in a way which will cause as little hardship as possible.

*How other users get processed foods.* Many consumers eat in restaurants or other eating establishments. The problem of rationing the food supply of those establishments (called "institutional users") is not confined to processed foods. Institutional users need other rationed foods. Therefore, the method by which institutional users get rationed foods—sugar and coffee, as well as processed foods—is covered by a general order, called General Ration Order 5.

There is another purpose for which processed foods are used. Processed foods are used in making other items which are not rationed under this order. That use is called an "industrial use." For example, bakeries may use canned or dried fruits in making pies. Pies are not rationed. Therefore, a bakery which uses canned peaches to make peach pie is an "industrial user."

It is obvious that if consumers are cut, these uses should also be cut. Therefore, the allotments given to industrial users are calculated in such a way that they will take a cut which is fair as compared with the cut borne by the average home consumer.

*How the trade operates under the order.* In order to make sure that all processed foods are accounted for, points must be given up for all sales of processed foods. When a retailer buys from a wholesaler, he gives up to the whole-



saler points he got from consumers or from other people to whom he made sales. Similarly, when a wholesaler buys from a producer or importer (called a "processor"), the wholesaler gives up points. Processors then turn over their points to the Office of Price Administration—and the points they turn over must match the point value of processed foods they transferred.

It is also important to make sure that supplies of processed foods are evenly distributed and that every person who deals in processed foods has his proper share to sell. This is done by making provision for retailer and wholesaler inventories. No one, however, can get a supply of processed foods for sale unless he is engaged or is about to engage in the business of dealing in them. He must show that he is part of the channel of distribution. Therefore, retailers, wholesalers and processors are required to register under this order and to give information showing the volume of their business.

Retailers register and report only once—at the end of the first month of rationing. They report their sales during that month. Their volume shows how large a supply they need under rationing. A retailer is therefore given an "allowable inventory" which is based on his sales during the first month of rationing. However, to make sure that he has a large enough stock to work with flexibly, his sales are multiplied by a "factor" fixed by the Office of Price Administration, to get his allowable inventory.

Wholesalers also get allowable inventories, based on their sales under rationing. However, in some respects they are treated differently from retailers.

Wholesalers occupy a strategic position in the distribution of processed foods. Many of them have large warehouse space. During the packing seasons, supplies must flow to them freely, since the limited storage space of most processors would otherwise overflow. During those seasons, the problems of storage and warehousing make it important to let wholesalers get large quantities, even if they do not need them all for immediate sale. In other seasons, when supplies are scarce, the amount going to each wholesaler should be reduced, since no storage problem exists and even distribution is important.

Wholesalers are therefore required to report their sales each month. The Office of Price Administration fixes a factor, for each month, to reflect available supplies and proper distribution of them. Each wholesaler then gets a maximum allowable inventory for each month, equal to his sales during the last month, multiplied by that factor.

Any retailer or wholesaler who does not have large enough stocks when rationing begins, can come in during the first month for an emergency adjustment. He will be given a certificate for enough points to get adequate working stocks.

Processors have no allowable inventory problems, since they sell stocks which they themselves produce or import. However, all processed foods must be accounted for. Furthermore, rationing can be effective only if the available

supply is known. Processors are therefore required to make monthly reports of their sales, inventories and production or imports. In this way, the necessary information is obtained. Processors are, of course, required to register at the start of rationing, so that supplies at that time, and the sources of future supplies, can be known.

*Adjustments at trade levels.* The order makes provision for various adjustments at trade levels, to get maximum flexibility. For example, retailers and wholesalers may apply for adjustments of their allowable inventories, to cover changed conditions or unusual situations. They can also apply for "loans" of points, if their own points are tied up in shipments which have not arrived. Provision is made for new business—for persons who wish to engage in processing, wholesaling or retailing processed foods.

Provisions of this type, coupled with the provisions made for special cases at the consumer level, should permit the order to operate on the smoothest and most flexible basis consistent with effective rationing.

§ 1407.1101 *Rationing of processed foods.* Under the authority vested in the Administrator by Executive Order No. 9125, issued by the President on April 7, 1942; Directive No. 1 and Supplementary Directive No. 1-M of the War Production Board, issued on January 24, 1942 and September 12, 1942, respectively; Executive Order No. 9280, issued by the President on December 5, 1942; and Food Directive No. 5, issued by the Secretary of Agriculture on February 20, 1943, Revised Ration Order 13 (Processed Foods), which is annexed hereto and made a part hereof, is hereby issued.

#### ARTICLE I—INTRODUCTION

- Sec.  
1.1 This order covers processed foods.  
1.2 Processed foods are rationed by the point system.  
1.3 Points come in the form of stamps, certificates, tokens, or ration coupons and ration checks.

#### ARTICLE II—CONSUMERS

- 2.1 When a person is a consumer.  
2.2 Consumers and industrial and institutional users may not purchase processed foods between certain dates.  
2.3 Consumers may purchase after February 28, 1943 only for points.  
2.4 How points are given up by consumers.  
2.5 Consumers who need more processed foods because of illness may apply for more points.  
2.6 Consumers who must purchase in quantity may apply for certificates.  
2.7 Servicemen may get certificates to acquire processed foods.  
2.8 [Revoked]  
2.9 Consumers who must have more processed foods for their subsistence may apply for more points.

#### ARTICLE III—PROCESSORS

- 3.1 Explanation of the terms processor and processor establishment.  
3.2 Processors must register and file reports.  
3.3 Processor is given a registration number.  
3.4 Processor may not do business if he does not register and file reports.  
3.5 Processors must report their inventories.

#### Sec.

- 3.6 A processor must turn over the points he receives to the Washington office.  
3.7 [Revoked]  
3.8 Processors must keep records.  
3.9 Processors must account for differences between their transfers and the number of points given up to the Office of Price Administration.  
3.10 Industrial users who become processors because of the addition of items to the list of processed foods.

#### ARTICLE IV—WHOLESALESA

- 4.1 Explanation of the terms wholesaler and wholesale establishment.  
4.2 Wholesalers must register and file reports.  
4.3 Wholesaler may not do business if he does not register and file reports.  
4.4 Wholesalers must report their inventories.  
4.5 Wholesalers must report their sales and points on hand.  
4.6 A wholesaler is allowed a maximum inventory.  
4.7 Wholesaler may not acquire processed foods if actual inventory is greater than maximum allowable inventory.  
4.8 Washington Office may grant working point capital to wholesalers.  
4.9 Wholesaler must keep records.  
4.10 Inventory adjustments because of additions to the list of processed foods.

#### ARTICLE V—RETAILERS

- 5.1 Explanation of the terms retailer and retail establishment.  
5.2 Retailers must get statement of purchases during March 1943.  
5.3 Retailers must register.  
5.4 Retailer may not do business unless he has registered.  
5.5 Retailers must report their inventories.  
5.6 Retailers must report their sales and points on hand.  
5.7 Certain retailers need not report inventory and other information.  
5.8 A retailer is given an allowable inventory.  
5.9 [Revoked]  
5.10 Retailers must keep records.  
5.11 Retailers must post point prices.

#### ARTICLE VI—INDUSTRIAL USERS

- 6.1 Explanation of the terms industrial user and industrial user establishment.  
6.2 Industrial users must register.  
6.3 Industrial user may not do business unless he has registered.  
6.4 Industrial users must report their inventories.  
6.5 Industrial users must report their base-period use.  
6.6 Industrial users' allotments.  
6.7 Registration after March 10, 1943.  
6.8 Restrictions on use of processed foods by industrial users.  
6.9 Industrial users must keep records.  
6.10 [Revoked]  
6.11 Industrial users must report their ration bank balances, inventories, and points on hand as of January 1, 1945.  
6.12 An industrial user may transfer foods or points for industrial use.  
6.13 Restrictions on acquisition and use of processed foods by industrial users during the first allotment period of 1945.  
6.14 Recapture of surplus ration bank balances, inventories, and points.

#### ARTICLE VII—COMBINED OPERATIONS AND COMBINED ESTABLISHMENTS

- 7.1 A person who operates different types of establishments is treated as if he were different persons.  
7.2 The same person may be both a wholesaler or retailer and industrial user at the same place.



- Sec. 7.3 The same person may be both a wholesaler or retailer and an institutional user at the same place.
- 7.4 The same person may be both a processor and a wholesaler or a retailer at the same place.
- 7.5 The same place may be more than one establishment.
- ARTICLE VIII—RATION BANK ACCOUNTS
- 8.1 A ration bank account is an account in which points are deposited.
- 8.2 Who must open a ration bank account.
- 8.3 Use of ration bank accounts.
- 8.4 When points must be deposited.
- 8.5 Ration bank accounts shall be opened by boards, mailing centers, district offices and the Washington Office.
- 8.6 Withdrawal of ration banking privileges because of overdrafts on ration bank accounts.
- ARTICLE IX—SALES AND TRANSFERS OF PROCESSED FOODS
- 9.1 No transfers may be made to certain persons between certain dates.
- 9.2 Only certain persons may transfer processed foods.
- 9.3 Transfers after February 28, 1943, may be made only for points.
- 9.4 How processed foods are transferred to consumers.
- 9.5 How processed foods are transferred to persons other than consumers.
- 9.6 Transfers between establishments of different types or between separately registered establishments of the same type operated by the same person.
- 9.7 Transferor may not use points he receives in advance until processed foods are transferred.
- 9.8 Points may be returned for underdeliveries of processed foods.
- 9.9 Points must be given up for imports of foods.
- 9.10 [Revoked.]
- 9.11 Sale at lower point values of foods in danger of spoilage.
- ARTICLE X—POINT FREE TRANSFERS
- 10.1 Processed foods in transit prior to effective date of rationing, may be acquired point-free.
- 10.2 Processed foods may be exchanged for other processed foods.
- 10.3 Lost or stolen processed foods may be returned, point-free.
- 10.4 Stocks of processed foods may be moved point-free between establishments of the same person which are registered together.
- 10.5 Processed foods may be stored and returned from storage, point-free.
- 10.6 Security interests in processed foods may be created and released, point-free.
- 10.7 Processed foods may be transferred, point-free, for liquidation, by operation of law, or in judicial proceedings.
- 10.8 Processed foods may be acquired, point-free, by insurers or for salvage.
- 10.9 Processed foods may be transferred to prospective buyers for sampling, point-free and may be used for sampling and demonstration.
- 10.10 Processed foods may be delivered point-free to certain persons.
- 10.11 Processed foods may be transferred, point-free, in connection with transfer of a business.
- 10.12 Processors may transfer point free to allow for spoilage.
- 10.13 [Revoked]
- 10.14 [Revoked]
- 10.15 [Revoked]
- 10.16 [Revoked]
- 10.17 [Revoked]
- Sec. 10.18 Title to foods may be transferred point-free where the one who has title does not have possession.
- 10.19 [Revoked]
- 10.20 Government agencies may transfer processed foods point free to the Procurement Division of the Treasury Department.
- ARTICLE XI—SALE OF BUSINESS
- 11.1 Sale or transfer of retail, wholesale, or processor establishment.
- 11.2 Sale or transfer of industrial user establishments.
- 11.2a Where and how the transferee registers industrial user establishments acquired by him.
- 11.3 Moving establishment to another place.
- ARTICLE XII—NEW BUSINESSES
- 12.1 New retail establishments may be opened.
- 12.2 New wholesale establishments may be opened.
- 12.3 New processor establishments may be opened.
- 12.4 In special cases, allotments may be granted for new industrial user establishments.
- ARTICLE XIII—CLOSING OF BUSINESS
- 13.1 What a person who closes his establishment must do.
- ARTICLE XIV—MISCELLANEOUS ADJUSTMENTS
- 14.1 Retailer may apply for inventory adjustments after March 1943.
- 14.2 Wholesaler may apply for inventory adjustments after March 1943.
- 14.3 Wholesalers and retailers may apply for point loans.
- 14.4 Adjustments for lost, destroyed, stolen or spoiled processed foods.
- 14.5 Applications may be made for other adjustments.
- 14.6 [Revoked]
- 14.7 [Revoked]
- 14.8 Replacement of lost, destroyed, stolen or mutilated certificates, coupons, stamps, or tokens.
- 14.9 Retailers may apply for adjustment if net point inventory is or would be reduced to less than 75 percent of allowable inventory.
- ARTICLE XV—ISSUANCE AND USE OF CERTIFICATES, RATION COUPONS AND TOKENS
- 15.1 How certificates are issued.
- 15.2 Certificates may be used for limited time.
- 15.3 A certificate must be endorsed.
- 15.4 [Revoked]
- 15.5 Names of persons who have been given certificates may be posted.
- 15.6 Certificates are the property of the Office of Price Administration and may be revoked.
- 15.7 Sugar purchase certificates may be corrected and used as processed foods purchase certificates.
- 15.8 How ration coupons are issued.
- 15.9 How ration tokens may be obtained by persons other than consumers.
- 15.10 How tokens are used.
- 15.11 Tokens which may not be used must be surrendered.
- 15.12 Tokens may not be used after certain dates.
- 15.13 Special provisions for exchanging and depositing tokens between September 27, and October 9, 1944.
- ARTICLE XVI—RECORDS, REPORTS AND INSPECTIONS
- 16.1 Records must be kept for two years.
- 16.2 Records may be inspected by Office of Price Administration.
- Sec. 16.3 Places where processed foods are kept may be inspected.
- 16.4 Records and reports are confidential.
- 16.5 Office of Price Administration may extend time for registration and reports.
- 16.6 Office of Price Administration may require applicants to give information.
- 16.7 Persons who produce or deal in certain items similar to processed foods must file reports.
- 16.8 Records, reports, and registrations required by this order.
- ARTICLE XVII—ADDITIONAL RECORDS TO BE KEPT BY CHAINS
- 17.1 Chains must keep records of transfers of stocks and points between establishments.
- ARTICLE XVIII—APPEALS
- 18.1 Persons directly affected by action taken under this order can appeal.
- ARTICLE XIX—MISCELLANEOUS RULES AND PROHIBITIONS
- 19.1 Additional prohibitions.
- 19.2 Stamps, tokens and certificates may not be taken by legal process or acquired by will.
- 19.3 Office of Price Administration must be notified of legal proceedings.
- 19.4 General Ration Order 5 governs whenever inconsistent with this order.
- 19.5 References to Ration Order 13 deemed references to Revised Ration Order 13.
- 19.6 Saving clause.
- ARTICLE XX—SUSPENSION ORDERS
- 20.1 Office of Price Administration may issue suspension orders.
- ARTICLE XXII—EXPORTS
- 22.1 Processed foods may be exported under General Ration Order 17.
- 22.2 [Revoked]
- 22.3 [Revoked]
- ARTICLE XXIII—EXEMPT AGENCIES; SHIPS' STORES; GOVERNMENTAL INVESTIGATORY AGENCIES
- 23.1 Exempt agencies may acquire processed foods.
- 23.2 How exempt agencies acquire processed foods.
- 23.3 Post exchanges and ships' service departments ashore may acquire processed foods for points.
- 23.4 Sales commissaries, post exchanges and ships' service departments ashore may transfer processed foods for points.
- 23.5 Veterans' Administration and Coast and Geodetic Survey may apply for allotments under General Ration Order 5.
- 23.6 Industrial users may replenish foods used in products transferred to agencies designated in General Ration Order 11.
- 23.7 Ships' and planes' stores.
- 23.8 Governmental investigatory agencies may acquire processed foods needed in their investigations.
- 23.9 Issuance and use of checks by Extension Service of Department of Agriculture.
- ARTICLE XXIV—[REVOKED]
- 24.1 [Revoked]
- 24.2 [Revoked]
- 24.3 [Revoked]
- 24.4 [Revoked]
- 24.5 [Revoked]
- 24.6 [Revoked]
- 24.7 [Revoked]
- 24.8 [Revoked]
- 24.9 [Revoked]



ARTICLE XXV—ACQUISITION OF PROCESSED FOODS  
BY RESIDENTS OF MEXICO

## Sec.

- 25.1 Residents of Mexico may acquire processed foods in the United States.
- 25.2 Issuance of ration cards.
- 25.3 Issuance of ration cards to certain applicants by the district office.
- 25.4 Value and use of coupons by residents of Mexico.
- 25.5 How suppliers may replace inventory of processed foods transferred to residents of Mexico.
- 25.6 Surrender of points by suppliers from whom processed foods were acquired before July 1, 1944.
- 25.7 Records of suppliers from whom processed foods were acquired before July 1, 1944.
- 25.8 Records and reports by suppliers who transferred processed foods to residents of Mexico before July 1, 1943.

## ARTICLE XXVI—HOME PROCESSED FOODS

- 26.1 Explanation of terms home processor and home processed foods.
- 26.2 Person may consume or use home processed foods he produces and may give away limited amounts.
- 26.3 A person may sell home processed foods he produces.
- 26.4 Person producing processed foods in place other than a "kitchen" may get permission to treat them as home processed foods.
- 26.4a [Revoked]
- 26.5 Person may have foods grown by members of his family unit processed by a processor for household consumption.
- 26.6 Consumers may acquire and use processed foods they produce in commercial scale processing facilities.
- 26.7 Certain community groups may apply to Washington Office for an exception.
- 26.8 Institutional users (other than Group I institutional users) may use and transfer processed foods they produce as provided in General Ration Order 5.
- 26.9 [Revoked]
- 26.10 Applicability.

## ARTICLE XXVII—DEFINITIONS

- 27.1 Definitions.

## APPENDICES

- Appendix A
- Appendix B

**AUTHORITY:** § 1407.1101 issued under Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; Executive Order 9125, 7 F.R. 2719; Executive Order 9280, 7 F.R. 10179; W. P. B. Directive 1, 7 F.R. 562, and Supplementary Directive 1-M, 7 F.R. 7234; and Food Directive 5, 8 F.R. 2251, 3469, War Food Order No. 56, 8 F.R. 2005, 9 F.R. 4319; War Food Order No. 58, 8 F.R. 2251, 9 F.R. 4319.

ARTICLE I—INTRODUCTION<sup>2</sup>

**SECTION 1.1** *This order covers processed foods.* (a) The foods which are covered by this order are called "processed foods" and are listed in section 27.1 (a) (10).

(b) Puncturing or opening the container in which processed foods are packed, or merely removing them from the container, does not cause them to cease to be processed foods.

[Paragraph (b) amended by Am. 60, 9 F.R. 12971, effective 11-3-44]

<sup>2</sup> Words which are specially defined in this order are shown in quotation marks the first time they appear in each article. All definitions are given in section 27.1 of the order.

(c) When any processed food is prepared for service and served, it is no longer considered a processed food. Thus, a "person" who is served canned peaches in a restaurant, as part of a meal, is not getting processed food. Furthermore, when a processed food has been used in making a product which is not rationed under this order, it ceases to be a processed food. For example, canned peaches may be used in baking peach pie—that pie, and the peaches in it, are not processed foods.

**SEC. 1.2** *Processed foods are rationed by the point system.* (a) All types of processed foods are rationed together, as a group, through the use of the point system of rationing. Each item of processed foods is given a particular point value for each size in which it is sold. The point value of a processed food is the number of points that must be given up by any person who wants to get it, just as the money price of an article is the amount of money it costs. The point values will be fixed by the Office of Price Administration in a supplement to this order, containing the official table of point values. These point values may be changed from time to time, as conditions require.

(b) Any item included in the definition of processed foods but having no point value assigned to it on the Official Table of Point Values, is deemed to have a point value of zero.

[Paragraph (b) added by Am. 23, 9 F.R. 3947, effective 4-17-44]

**SEC. 1.3** *Points come in the form of stamps, certificates, tokens, ration coupons and ration checks.* (a) There are several forms of ration currency which represent points.

(b) The basic forms of ration currency are green and blue stamps in War Ration Book Four, and tokens which are designated by the Office of Price Administration to be used for the acquisition of processed foods. They are the form in which points are generally given up by "consumers".

(c) Other forms of ration currency authorized by the Office of Price Administration are "certificates" (OPA Form R-1201) tokens or ration coupons and ration checks drawn on ration bank accounts. A certificate or ration coupon is issued by the Office of Price Administration (or a person authorized by that office to issue it) and is worth the number of points stated on it. Ration checks are very much like ordinary checks. They are drawn on a bank account in which a person has deposited his points, just as an ordinary check is drawn on a bank account in which he has deposited his money. (The cases in which ration checks are used are covered in Articles VIII and IX.)

[Sec. 1.3 amended by Am. 9, 9 F.R. 1908, effective 2-17-44]

## ARTICLE II—CONSUMERS

**SEC. 2.1** *When a person is a consumer.* (a) Any "person" who buys or "acquires" "processed foods" for his personal use or for use at a table at which he eats, is a "consumer". (When a person gets processed foods in order to resell them

or in order to use them in making other products for sale, he is not a consumer, since those are not personal uses. He is a consumer only so far as he does get processed foods for personal uses.)

**SEC. 2.2** *Consumers and industrial and institutional users may not purchase processed foods between certain dates.* (a) From February 21, to February 28, 1943, inclusive, no consumer may buy or acquire processed foods from any other person. (However, a consumer may borrow processed foods from, and return borrowed processed foods to, another consumer and may acquire processed foods from another consumer for consumption at a common table.)

(b) [Revoked]

[Paragraph (b) revoked by Am. 60, 9 F.R. 12971, effective 11-3-44]

**SEC. 2.3** *Consumers may purchase after February 28, 1943, only for points.* (a) Beginning March 1, 1943, a consumer may buy or acquire processed foods only by giving up points equal to the point value of the processed foods acquired. However, a consumer may exchange processed foods with any other person for other processed foods of equal point value, without giving up points and may transfer and acquire processed foods as provided in Article XXVI of this order. Moreover, consumers may acquire, transfer, or use, without limitation or restriction, processed foods which have a zero point value at the time of the acquisition, transfer, or use, respectively.

[Paragraph (a) amended by Am. 33, 9 F.R. 5074, effective 5-12-44]

(b) Consumers may lend processed foods to, or borrow them from, other consumers, and they may return borrowed processed foods. They may also acquire processed foods from other consumers for consumption at a common table. No points are to be given up for such transactions. (A transaction is not a loan of processed foods if any charge is made.)

(c) A consumer who has acquired processed foods for points may give them to another consumer point-free. He may also give them point-free to a religious, charitable, civic, or municipal organization, as his agent, to give them point-free to another consumer. (A transaction is not a gift if any charge is made.)

**SEC. 2.4** *How points are given up by consumers—*(a) *A consumer uses stamps.* A consumer gives up points, when he acquires processed foods, by surrendering blue "stamps" from his War Ration Book Four.

[Paragraph (a) amended by Am. 9, 9 F.R. 1908, effective 2-17-44; and Am. 21, 9 F.R. 3708, effective 5-2-44]

(b) *Stamps may be used only during certain periods.* Each stamp in War Ration Book Four is good only during a certain period, and a consumer may use it only during that period. The combination of letter and number printed on the stamps serves to indicate the time when the stamp may be used by consumers. The periods during which stamps in War Ration Book Four may be used



will be fixed in a supplement to this order.

[Paragraph (b) amended by Am. 9, 9 F.R. 1908, effective 2-17-44; Am. 21, 9 F.R. 3708, effective 5-2-44; and Am. 70, 9 F.R. 15052, effective 12-26-44]

(c) *General rules for the use of stamps by consumers.* A consumer must give up stamps worth exactly the point value of the processed foods he acquires. The number of points a green stamp is worth is shown by the figure printed on it. Blue stamps are worth 10 points each, regardless of the number printed on them. Stamps must be given up at the time the foods are acquired. The stamps may be used by a consumer only if torn out of the war ration book in the presence of the person who is selling or transferring the foods. A stamp may be used only to get processed foods for the consumer from whose book it is taken or for use at a table at which he eats.

[Paragraph (c) amended by Am. 9, 9 F.R. 1908, effective 2-17-44; and Am. 36, 9 F.R. 5829, effective 6-2-44]

(d) *A consumer also uses certificates and ration coupons.* Any consumer to whom a "board" issues a "certificate" or ration coupon may use it to acquire processed foods just as stamps are used. However, a consumer may give up the certificate or ration coupon at or before the time the processed foods are acquired. The number of points a certificate or ration coupon is worth is shown on that certificate or ration coupon. A consumer to whom a certificate has been issued must sign his name on the back before he may use it.

[Paragraph (d) amended by Am. 24, 9 F.R. 3944, effective 4-15-44; and Am. 36, 9 F.R. 5829, effective 6-2-44]

(e) *How mail order purchases are made.* A consumer who orders processed foods for delivery by mail may detach stamps from his war ration book and send them or tokens with his order. The stamps are good if the envelope in which they are enclosed is postmarked on or before the last day on which they may be used by a consumer, even if the seller does not receive them until after that date. If the seller cannot fill all or any part of the order, he will return a ration check for the difference. The consumer may endorse that check and use it to get processed foods.

[Paragraph (e) amended by Am. 9, 9 F.R. 1908, effective 2-17-44; Am. 21, 9 F.R. 3708, effective 5-2-44; and Am. 70, 9 F.R. 15052, effective 12-26-44]

(f) *How consumers acquire and use tokens.* If the consumer is unable to give up points exactly equal to the point value of the processed foods acquired by him because he does not have stamps, certificates, ration coupons, or ration checks of sufficiently small value to make up the proper amount, he may give up, and the transferor may accept, stamps, certificates, ration coupons, or ration checks of the nearest higher value, and the transferor must return the excess number of points to the consumer in the form of tokens. Tokens may be used by a consumer to acquire processed foods only if he has received the tokens in this way from his transferor. A transferor

may accept tokens from a consumer, unless he knows or has reason to believe that they were not acquired by the consumer in this way.

[Paragraph (f) added by Am. 36, 9 F.R. 5829, effective 6-2-44]

SEC. 2.5 *Consumers who need more processed foods because of illness may apply for more points.* (a) Any consumer whose health requires that he have more processed foods than he can get with his war ration book, may apply for additional points. The application must be made, on OPA Form R-315, by the consumer himself or by someone acting for him, and may be made in person or by mail. The application can be made only to the board for the place where the consumer lives. The application (on OPA Form R-315) must be accompanied by a written statement signed by a licensed practitioner, who is authorized by the laws of the state in which he practices to diagnose and treat the illness as to which the certification is made. The statement must contain a specific diagnosis of the applicant's illness or condition, must show, if possible, the probable duration of the illness, must show why the applicant must have more processed foods, and the amounts and types he needs during the next ten weeks (or a shorter period if the illness is of shorter duration).

[Paragraph (a) amended by Am. 20, 9 F.R. 3579, effective 4-6-44; Am. 51, 9 F.R. 10087, effective 8-21-44 and Am. 84, 10 F.R. 8904, effective 7-20-45]

(b) If the diagnosis is diabetes mellitus or active tuberculosis, and if the board finds that the applicant's health depends upon his getting more processed foods, it shall issue to him one or more certificates for the number of points necessary to get the additional processed foods which he needs during the next ten weeks. If the applicant requests more processed foods during this period than the board is authorized by the Washington Office to grant to him, the board shall issue to him a certificate for the number of points it is authorized to grant to him, and, if the applicant still requests the additional amount, send the application for the additional points to the district office for decision. If the diagnosis is any illness other than diabetes mellitus or active tuberculosis, the board shall send the application to the district office for decision. However, in emergency cases, if the board finds that the applicant needs additional processed foods, it may issue to him one or more certificates to enable him to get those additional foods during the next two weeks. If during that period, no decision has been made on the application, the board may issue to him one or more certificates, if the emergency continues, to enable him to get those additional foods for another two weeks. The board may continue to issue certificates for succeeding two-week periods as long as the emergency continues and until a decision has been made. If the district office is unable to pass on the application, it shall send it to the regional office for decision, or take such other action as the regional office may authorize or direct. A district office may authorize a board which has a

medical advisory panel to act on all applications under this section.

[Paragraph (b) amended by Am. 20, 9 F.R. 3579, effective 4-6-44; and Am. 51, 9 F.R. 10087, effective 8-21-44]

(c) An applicant who requires additional processed foods for a period longer than the ten weeks for which points are granted to him, may apply for additional points (in person or by mail) to the board at the end of the ten-week period. However, the statement certifying the diagnosis of his illness need not be renewed more often than once a year, in cases of diabetes mellitus and active tuberculosis. In cases where the statement certifying the diagnosis of the applicant's condition need not be renewed with each application for additional rations, his application for such additional rations shall be deemed to be a certification that he knows, or has reason to believe, the diagnosis of his condition remains the same as set forth in the written statement attached to his original application. If the applicant changes his residence before the time when he would have to renew the statement certifying the diagnosis of his illness, he may obtain the statement from the board where it is filed and file it with the board for the place where he will live.

[Paragraph (c) added by Am. 20, 9 F.R. 3579, effective 4-6-44]

(d) Regional Offices may, upon advice of Regional Medical Committees, authorize Boards to issue points for illnesses other than those listed on the chart. They may also authorize Boards to issue points, in addition to those specified for illnesses listed on the chart. In addition, District Offices, if authorized by the Regional Administrator, may, upon advice of District Medical Committees, authorize Boards to issue points for illnesses other than those listed on the chart and to issue points, in addition to those specified, for illnesses listed on the chart.

[Paragraph (d) added by Am. 84, 10 F.R. 8904, effective 7-20-45]

SEC. 2.6 *Consumers who must purchase in quantity may apply for certificates.* (a) Some consumers may not be able to get processed foods during the period when their stamps are good, either because of transportation difficulties, or because they live an unusually long distance from their market. Such a consumer may apply for a certificate in exchange for some or all of the stamps in his war ration book, so that he can get the amount of processed foods to which he is entitled at a time when he is able to get them. The application must be made on OPA Form R-315, in person or by mail, to the board for the place where he lives. It must be made by the consumer himself or by someone acting for him.

(b) If the board finds that the consumer will suffer hardship because he cannot get the processed foods to which he is entitled during the periods when his stamps are good (for the reasons set forth above), it may issue to him a certificate. The certificate may be for any number of points up to the value of his remaining stamps which may be used to



acquire processed foods. The board must remove from each war ration book, and cancel such stamps worth the amount of the certificate.

**SEC. 2.7 Service men may get certificates to acquire processed foods.** (a) Members of the Armed Forces of the United States and Allied Nations who do not have a war ration book which can be used to acquire processed foods, and are not entitled to have it, may obtain certificates to get processed foods under the circumstances and in accordance with the procedure set forth in General Ration Order 9.<sup>2</sup>

#### SEC. 2.8 [Revoked]

**SEC. 2.9 Consumers who must have more processed foods for their subsistence may apply for more points.** (a) Consumers (including those who eat in group one institutional establishments, as defined in General Ration Order 5) may apply for additional points if they cannot get enough fruits or vegetables to meet minimum nutritional needs for such foods, because (1) supplies of such foods are not reasonably accessible to them, except at infrequent intervals, and (2) they have no facilities for storing such foods long enough and in the quantities required to supply their needs.

[Paragraph (a) amended by Am. 40, 9 F.R. 6951, effective 6-26-44; and Am. 50, 9 F.R. 9954, effective 8-18-44]

(b) Any consumer who needs more processed foods for the reasons set forth in paragraph (a) of this section, may apply to his board, in person or by mail, on OPA Form R-315. A single application may be made covering more than one consumer, but the name of each shall be listed on the application, and the war ration book currently used to acquire processed foods of each person covered by the application must be submitted with it. The application must state in detail:

[Above paragraph amended by Am. 8, 9 F.R. 1817, effective 2-19-44]

- (1) Why the persons included therein cannot obtain enough fruits or vegetables to meet minimum nutritional standards;
- (2) How many pounds of processed foods they will need;
- (3) For how long a period;
- (4) How many pounds of processed foods (including home canned) they have, at the time of application; and
- (5) How many pounds of fresh fruits or vegetables (excluding potatoes) will be available to them during the period covered by the application.

[Subparagraphs (1) and (5) amended by Am. 40, 9 F.R. 6951, effective 6-26-44; and Am. 50, 9 F.R. 9954, effective 8-18-44]

(c) All regional offices are authorized to rule on applications under this section, and to authorize boards or district offices to rule on them. A board or district office may rule on such an application only if the regional office for the area where it is located has given it such authority. If the board has not been given such authority, it shall forward the

application with its recommendation to the district office. If the district office has been given such authority, it shall indicate what action is to be taken, and return the file to the board. If the district office has not been given such authority, it shall forward the file to the regional office. The regional office shall then indicate what action is to be taken, and return the file to the board. All certificates to be issued under this section shall be issued by boards.

(d) The regional office, or board or district office which is authorized to rule on such applications, may issue or authorize the issuance of one or more certificates for the number of points that it finds should be allowed. No board or district or regional office shall issue or authorize the issuance of a certificate unless it finds that the applicants will be unable to get enough fruits or vegetables, during the period covered by the application, to meet minimum nutritional needs for such foods because (1) supplies of such foods are not reasonably accessible to them, except at infrequent intervals, and (2) they have no facilities for storing such foods long enough and in the quantities required to supply their needs. In determining how many points to allow, consideration shall be given to the amount of processed foods, and fresh fruits or vegetables (excluding potatoes) which will be available to the applicants during the period covered by the application. In addition, the board or district office shall be governed by any further conditions established by the regional or Washington office.

[Paragraph (d) amended by Am. 40, 9 F.R. 6951, effective 6-26-44; and Am. 50, 9 F.R. 9954, effective 8-18-44]

(e) Any board which issues certificates under this section shall enter a notation on the front cover of the books submitted with the application showing:

- (1) Its address;
- (2) The date it issued certificates under this section;
- (3) The foods authorized to be acquired by such certificates;
- (4) The point value of such certificates; and
- (5) The period for which the supplemental ration was given.

[Paragraph (e) amended by Am. 8, 9 F.R. 1817, effective 2-19-44]

#### ARTICLE III—PROCESSORS

##### SEC. 3.1 Explanation of terms processor and processor establishment—

(a) A place where processed foods are produced is a processor establishment. Any place at which a "person" produces "processed foods" for sale or other "transfer" or for "industrial use", is a "processor establishment".

(1) A person produces processed foods:

- (i) If he bottles, cans, or packs any of the products, which are included within the definition of processed foods in Section 27.1 (a) (10), in hermetically sealed containers and sterilizes them by the use of heat; or
- (ii) If he packs fruit or vegetable juices (which are included within the definition of processed foods in section 27.1 (a) (10)) from containers over one

gallon into hermetically sealed containers of one gallon or less and sterilizes them by the use of heat; or

(iii) If he uses processed foods to produce other processed foods (as, if he uses canned peaches to make canned fruit salad).

[Paragraph (a) amended by Am. 54, 9 F.R. 11538, effective 9-17-44; Am. 60, 9 F.R. 12971, effective 11-3-44; and Am. 70, 9 F.R. 15052, effective 12-26-44]

(b) A place to which processed foods are imported is a processor establishment. Any place (including space in a public warehouse) to which a person imports processed foods into the United States, from any place outside the United States, for sale or transfer, or for industrial use, is also a processor establishment.

(c) Place where person keeps only processed foods he produced is a processor establishment. The term processor establishment also includes any place (including space in a public warehouse) at which a person does not produce or import processed foods, if he regularly keeps there, for sale or transfer, only stocks of processed foods which he himself produced or imported. (If he also regularly keeps there, for sale or transfer, processed foods produced or imported by someone else it is a processor establishment only if it meets the requirements of paragraph (d); otherwise it is a wholesale or retail establishment, depending upon the nature of his operations there.)

(d) A place where a person keeps processed foods produced by someone else may be a processor establishment. There are two cases in which a place where a person keeps processed foods produced or imported by someone else is a processor establishment:

(1) A place where a person keeps, for sale or transfer, processed foods, produced or imported by someone else, is a processor establishment as to those stocks if the person keeping such processed foods, also produces processed foods, whether at that place or elsewhere, and if he does not, in any one calendar year, acquire (at all his establishments together, of whatever type) for sale or transfer more processed foods produced or imported by someone else than 10% by weight of the processed foods he himself produced or imported in the previous calendar year. As soon as his acquisition for sale or transfer, of processed foods produced or imported by someone else exceed that 10%, within the calendar year, that place shall cease to be a processor establishment as to those stocks, and becomes a wholesale or retail establishment depending upon the nature of his operations there. He must then follow the procedure set forth in Article XII with respect to new businesses.

(2) There is one other case in which a place where a person keeps processed foods produced or imported by someone else is a processor establishment. A person may get processed foods from someone else to use them in producing other processed foods for sale or transfer. If he keeps the processed foods obtained from someone else only to pro-

<sup>2</sup> 8 F.R. 7109, 10079, 1279, 15378, 16115; 9 F.R. 4348, 48874, 12087, 15047.



duce other processed foods, the place where he keeps them is a processor establishment.

(e) *Certain places where processed foods are produced only for own use are not processor establishments.* A place at which a person produces or imports processed foods only for his own use (other than industrial use) and not for sale or transfer is not a processor establishment. (Thus, if he produces processed foods, at a particular place, only for the purpose of using them in serving meals, that place is not a processor establishment.) Also, a place does not become a processor establishment because a person produces home processed foods there, even if he produces them for sale or transfer.

(f) *Person who has processor establishment is a processor.* Any person who has a processor establishment is called a processor.

**SEC. 3.2 Processors must register and file reports—**(a) *Registration.* Every processor must register with the Office of Price Administration by filing OPA Form R-1305, at any time from March 1, 1943 to March 10, 1943, inclusive. The form must be completed and signed by the processor or his authorized agent. If he has more than one processor establishment, he must show, for each, its name and address, the type of business done there, and the name of the person authorized to report for it on OPA Form R-1305.

(b) *Reports.* Every processor must file periodic reports, also on OPA Form R-1305, covering the operations of his processor establishment during each reporting period set forth in Appendix B. The report must be signed by him or by his authorized agent. If he has more than one processor establishment, he must file a separate report for each, except that he may combine in a single report all his processor establishments in a single state. The first report which must be filed is for February 1943, and is part of his registration. Reports for subsequent reporting periods must be filed within eight days after the end of the reporting period.

A processor who has reported on OPA Form R-1305 that he does not have processed foods on hand and that none were produced, acquired, sold, or transferred during his last reporting period, need not file a report for any subsequent period in which he does not operate. However, he must show on his last report on OPA Form R-1305 the month in which he will resume his operations and he must again file reports beginning with the month in which he resumes his operations.

[Paragraph (b) amended by Am. 34, 9 F.R. 5436, effective 5-26-44]

(c) *Some processors need not file reports for reporting periods after February, 1943.* A processor who produced and imported less than 10,000 pounds of processed foods during 1942, must register but need not file a report for any reporting period after that covered in his registration. However, if his total production and imports in 1943 or 1944 reach 10,000 pounds, he must file reports

beginning for the reporting period in which that figure was reached.

[Paragraph (c) amended by Am. 4, 9 F.R. 848, effective 1-26-44]

(d) *Processors must give information called for by form.* The processor must give all information called for by OPA Form R-1305.

(e) *Registration and reports must be filed in Washington.* The processor's registration and periodic reports must be filed by mailing OPA Form R-1305 to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C. The form is considered filed on time if the envelope is postmarked on or before the last day it is due.

(f) *Registration of persons who become processors because of additions to the list of processed foods, or because of changes in the definition of processor and processor establishment.* A person who becomes a processor because the foods he produces are added to the list of processed foods or because of changes in the definition of processor or processor establishment must, within eight days after such addition or change, file a report on OPA Form R-1305 covering his operations during the preceding reporting period. The report must be mailed to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C., and is treated as his registration.

**SEC. 3.3 Processor is given a registration number.** (a) After a processor has registered, the "Washington Office" will send him a card giving him his registration number. After he gets the registration number, he must use it on each invoice or similar document prepared in connection with any sale or transfer of processed foods from any of his processor establishments.

**SEC. 3.4 Processor may not do business if he does not register and file reports.** (a) No processor may transfer or acquire processed foods after March 10, 1943, unless he has registered in the manner required.

(b) No processor may transfer or acquire processed foods after any date on which a report is due from him, unless he has filed that report.

**SEC. 3.5 Processors must report their inventories.** (a) As part of his registration, a processor must report, on OPA Form R-1305, the point value of his inventory of processed foods (by items and sizes) at the close of business on February 28, 1943. His inventory at the beginning and end of each reporting period must then be reported in his report for that period.

(b) A processor's inventory at his processor establishment consists of all processed foods physically located at that establishment or in transit to it. However, the following items are not part of that inventory:

(1) Processed foods stored at the establishment for a person other than his customer or transferee, or held there as security for a loan to someone else (or similar transaction), or in transit to it for either of those purposes;

(2) Processed foods included in the inventory of one of his other establishments.

**SEC. 3.6 A processor must turn over the points he receives to the Washington office.** (a) A processor is required to turn over to the Washington Office points he receives for sale or transfers of processed foods. However, a processor other than a processor of dried prunes or raisins, may use some of them for the following purposes:

(1) To get back processed foods he transferred; or

(2) To acquire processed foods with which to produce other processed foods; or

(3) To acquire for sale or transfer processed foods produced or imported by someone else, if the place at which he acquires them is a processor establishment as to those stocks, under section 3.1 (d) (1).

A processor of dried prunes or raisins is permitted to use points he receives for sales or transfers of those fruits only to acquire dried prunes or raisins.

(b) A processor must give up to the Office of Price Administration for cancellation, all points he receives for sales or transfers of processed foods. Not later than the eighth day of every reporting period he must issue and mail to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C., his certified ration check (payable to the Office of Price Administration) for all those points he received during the preceding reporting period. A processor who is required to file periodic reports on OPA Form R-1305, must attach his check to the report. A processor who does not have to file reports must send his check in a sealed envelope, enclosing a statement showing his name, principal business address and registration number.

(c) A processor who used some of those points to acquire processed foods, as permitted in paragraph (a) of this section, must issue and send his check for the rest. He must enclose with his check a statement giving the names and addresses of the persons from whom he acquired the processed foods, the items he acquired, and their point values. If he used the points to acquire processed foods, as permitted in paragraph (a) (3) of this section, he must state, in pounds, the total amount of processed foods he produced or imported during the preceding calendar year and his total acquisitions during the current calendar year, for sale or transfer, of processed foods produced or imported by someone else.

**SEC. 3.7 [Revoked]**

**SEC. 3.8 Processors must keep records.** (a) Beginning March 1, 1943, every processor must keep, at each of his processor establishments, a record showing, by items and sizes:

(1) All processed foods produced or imported there;

(2) All processed foods sold or transferred to (or reserved for) exempt agencies;

(3) All processed foods used in producing other processed foods; and



(4) All processed foods, produced or imported by someone else, acquired for sale or transfer.

(b) He must also keep, at his principal business office, a copy of his registration and of his periodic reports on OPA Form R-1305 (if any are required). If he has more than one processor establishment, he must keep at each establishment a copy of the report filed for it. (However, if he has filed a combined report for several processor establishments, he must keep copies of the reports at one of them.)

(c) In addition, at the time of any change in the point value of any item of processed foods every processor must make a record of the amount and sizes of that item which he has in his inventory. The record must show the point value of the item before and after the change, and the amount by which the point value of his inventory was increased or decreased as a result. In addition, at the time any item is added to or removed from the list of processed foods, every processor must keep a record of the amount, sizes, and point value of that item which he has in his inventory. If he has more than one processor establishment, he must make and keep such a record at each establishment.

**SEC. 3.9 Processors must account for differences between their transfers and the number of points given up to the Office of Price Administration.** (a) Every processor must attach to his periodic report on OPA Form R-1305, beginning with the report for March 1943, a statement accounting for all differences between the point value of the processed foods sold or transferred by him during that reporting period, and the number of points given up by him to the Office of Price Administration. Also, if he used any processed foods in grading the processed foods which he produced or imported, he must attach a statement showing how much he used. The statements must be signed by the same person who signed the periodic report.

**SEC. 3.10 Industrial users who become processors because of the addition of items to the list of processed foods.** (a) An industrial user who, because of the addition of items to the list of processed foods, becomes a processor with respect to items he produced as an industrial user, must, if he is not already registered as a processor, register as such in accordance with section 3.2 (f), and open a ration bank account for his processor operations. He must deposit all points he has as an industrial user in his processor ration bank account. If he has an industrial user ration bank account, he may draw a check for the balance therein and deposit it in his processor account. All processed foods he has in his industrial user inventory shall be deemed to be part of his processor inventory.

(1) An industrial user who ceases to be such because all the items he produced as an industrial user are added to the list of processed foods must, within eight days after he ceases to be an industrial user, give to the board with which he is registered the notice required in section

13.1 that he will cease to operate as an industrial user, and he must close out his industrial user bank account, if any.

(2) An industrial user who becomes a processor with respect to some, but not all, the items he produced as an industrial user must, within eight days after the items produced by him as an industrial user are added to the list of processed foods, amend his industrial user registration by eliminating from his base period use of processed foods his use of those foods for the production of the items added to the list of processed foods. The board shall cancel his current allotment, and any excess inventory with which he may be charged, and shall grant for the remainder of the current allotment period, an allotment based on his use of processed foods in the corresponding base period to produce items as to which he remains an industrial user. However, this allotment is to be reduced in proportion to the part of the allotment period which had elapsed at the time he amended his industrial user registration. (Any such industrial user who, by the operation of this subparagraph, is unable to use any unused portion of his past allotments allocable to the products as to which he continues to be an industrial user, may petition for an adjustment under section 14.5.)

#### ARTICLE IV—WHOLESALESALE

**SEC. 4.1 Explanation of the terms wholesaler and wholesale establishment.**

(a) Any place, including a public warehouse, where a "person" who deals in "processed foods" keeps stocks of those foods for sale or other "transfer" is a "wholesale establishment," if fifty percent or more of those stocks are transferred from there directly to persons other than "consumers." However, if he keeps the stocks which are not transferred to consumers, just to supply his own establishments, it is a wholesale establishment only if it supplies:

- (1) At least one of his wholesale establishments; or
- (2) At least four of his "retail establishments."

(A place where a person regularly keeps for sale or transfer only stocks of processed foods which he himself produced or imported is a "processor establishment" and not a wholesale establishment. Also, a place which is a processor establishment under section 3.1 (d) (1) is not a wholesale establishment. Article XXIV sets forth the definitions and rules controlling growers and country shippers with respect to dry beans, peas, and lentils. However, any person who is a grower or country shipper of dry beans, peas, or lentils as well as a "wholesaler" of other processed foods, is controlled by both Article XXIV and Article IV of this order.)

[Above paragraph amended by Am. 54, 9 F.R. 11538, effective 9-17-44]

(b) Any person dealing in processed foods who has a wholesale establishment is called a wholesaler.

**SEC. 4.2 Wholesalers must register and file reports—(a) Registration.** Every wholesaler must register with the Office of Price Administration by filing

OPA Form R-1310, at any time from April 1, 1943 to April 10, 1943, inclusive. The form must be completed and signed by the wholesaler or his authorized agent. If he has more than one wholesale establishment, he must file a combined registration for all of them on a single form.

(b) **Reports.** Every wholesaler must file periodic reports, also on OPA Form R-1310, covering the operations of his wholesale establishment during each reporting period set forth in Appendix B. The report must be filed by him or by his authorized agent. If he has more than one wholesale establishment he must file a separate inventory report for each on Schedule B of that form, except that he may combine on a single inventory report all his wholesale establishments in a single county (or in an area larger than a single county if he applies to, and receives authorization from, the "Washington Office" to do so. The Washington Office will authorize a wholesaler to combine on a single inventory report all his establishments in an area larger than a single county if it finds that those establishments are located in a single marketing area.) He must also file a combined Schedule A of that form covering all of his wholesale establishments. The Washington Office may authorize a person required to report on OPA Form R-1310 to omit from his report the information called for on Schedule B of that form. The first report which must be filed is for March 1943 and is part of his registration. Reports for reporting periods must be filed within eight days after the end of the reporting period.

[Paragraph (b) amended by Am. 30, 9 F.R. 4876, effective 5-10-44; and Am. 62, 9 F.R. 12972, effective 10-28-44]

(c) **Wholesaler must give information called for by form.** Except to the extent permitted by the Washington Office under paragraph (b) of this section, the wholesaler must give all information called for by OPA Form R-1310.

[Paragraph (c) amended by Am. 62, 9 F.R. 12972, effective 10-28-44]

(d) **Registration and reports must be filed in Washington.** The wholesaler's registration and periodic reports must be filed by mailing OPA Form R-1310 to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C. The form is considered filed on time if the envelope is postmarked on or before the last day it is due.

(e) **Registration of persons who become wholesalers because of additions to the list of processed foods.** (1) A person who becomes a wholesaler because foods he keeps for sale or transfer are added to the list of processed foods, must, within eight days after such addition, file a statement on OPA Form R-315. The statement must show:

- (i) The name and address of each of his wholesale establishments;
- (ii) His inventory of each such item of food, in pounds and point value, as of the date on which it was added; and
- (iii) His registration number, if he was previously registered as a wholesaler, or, if he was not registered, his



sales or transfers of each such item during the preceding reporting period (exclusive of exchanges, returns and transfers from one to another of his wholesale establishments) multiplied by the point value assigned to that item when it was added.

The statement must be mailed to the Office of Price Administration, Food Rationing Division, Processed Foods Branch, Washington 25, D. C., and is treated as his registration.

(2) A fixed base, for the purpose of computing his maximum allowable inventory will be assigned to him by the Washington Office. A check will be issued to him by the Washington Office to enable him to operate.

[Paragraph (e) amended by Am. 70, 9 F.R. 15052, effective 12-28-44]

**SEC. 4.3 Wholesaler may not do business if he does not register and file reports.** (a) No wholesaler may transfer or "acquire" processed foods after April 10, 1943, unless he has registered in the manner required.

(b) No wholesaler may transfer or acquire processed foods after any date on which a report is due from him unless he has filed that report.

**SEC. 4.4 Wholesalers must report their inventories.** (a) As part of his registration, a wholesaler must report, on OPA Form R-1310, his inventory of processed foods (by items and sizes) at the opening of business on March 1, 1943, and the point value of his inventory of processed foods (by items and sizes) at the close of business on March 31, 1943. If he has more than one wholesale establishment, his registration must include a report of the total point value of his inventory at all those establishments. His inventory at the beginning of the next reporting period must then be reported in his report for that period.

(b) A wholesaler's inventory at his wholesale establishment consists of processed foods physically located at that establishment or in transit to it. It includes processed foods which he holds there on consignment. However, the following items are not part of that inventory:

(1) Processed foods stored at the establishment for a person other than his customer or transferee, or held there as security for a loan to someone else (or similar transaction), or in transit to it for either of those purposes;

(2) Processed foods included in the inventory of one of his other establishments.

**SEC. 4.5 Wholesalers must report their sales and points on hand.** (a) A wholesaler must also report, as part of his registration:

(1) The point value of all processed foods transferred by him during March 1943, not including exchanges of merchandise or transfers from one to another of his wholesale establishments; and

(2) The total number of points which he has available for acquiring processed foods, at the close of business on March 31, 1943. He must include all points which he has on hand, all in his ration

bank account and all which he has already given up for processed foods not yet shipped to him. However, he is not to include points he has received for processed foods which he has not yet shipped.

(b) The point value of his transfers during each subsequent reporting period and the total number of points he has at the end of that period for which he can get processed foods must then be reported in his report for that period.

**SEC. 4.6 A wholesaler is allowed a maximum inventory—(a) General.** For each reporting period every wholesaler is entitled to an operating inventory, called a maximum allowable inventory. This maximum allowable inventory is stated in terms of points, and is based on the point value of his transfers of processed foods during preceding reporting periods.

(b) *Amount of maximum allowable inventory.* (1) A wholesaler's maximum allowable inventory for each reporting period before September 3, 1944 is computed in the following way:

(i) The point value of his transfers of processed foods during the first three of the four preceding reporting periods is determined. (Exchanges and returns of processed foods, and transfers from one to another of his wholesale establishments, must not be included in this computation.)

(ii) That figure is divided by three to arrive at an average for the three periods;

(iii) The result is multiplied by a factor which the Office of Price Administration will fix for the reporting period in question in a supplement to this order.

(2) A wholesaler's maximum allowable inventory for each reporting period beginning on or after September 3, 1944 is computed in the following way:

(i) The point value of his transfers of processed foods during the first four reporting periods of 1944 (listed in Appendix B to this order) is determined. (Exchanges and returns of processed foods, and transfers from one to another of his wholesale establishments, must not be included in this computation.)

(ii) That figure is divided by four to arrive at an average for the four periods;

(iii) The result is multiplied by a factor which the Office of Price Administration will fix for the reporting period in question in a supplement to this order.

[Paragraph (b) amended by Am. 49, 9 F.R. 9169, effective 8-1-44]

(c) *Point inventory.* (1) In order to determine how large a stock of processed foods, measured in points, a wholesaler has and is in a position to get, it is necessary to find out two things:

(i) The point value of his inventory; and

(ii) The number of points he has available for acquiring processed foods, since he can use those points to get additional stocks. These points include all which he has on hand, all in his ration bank account (except those for which ration checks are outstanding), all which he already has given up for processed foods not yet shipped to him, and all which he has not yet received for processed foods he has already shipped.

However, points he has received for processed foods which he has not shipped, or points he owes for processed foods already shipped to him, are not included.

(2) The sum of the above two figures, at a particular time, shows the amount of processed foods he has and can get at that time. That sum is called his point inventory. The wholesaler must make this computation at the time of filing his periodic report on OPA Form R-1310.

(d) *When a wholesaler is entitled to receive a certificate.* If a wholesaler's maximum allowable inventory for any reporting period is greater, by at least 10%, than his point inventory at the beginning of the preceding reporting period, he will be issued a "certificate" for the number of points needed to make up the difference. However, during November 1943 a wholesaler who is entitled to receive a certificate under this paragraph will receive one for the number of points which represents the difference between his maximum allowable inventory for the November reporting period and his point inventory on October 30, 1943; or the difference between his maximum allowable inventory for the December reporting period and his point inventory on October 31, 1943, whichever is greater. The certificate will be issued by the "Washington Office" after his report has been checked.

(e) *Excess inventory for December 1944.* If a wholesaler's point inventory at the beginning of the December 3, 1944 reporting period is greater than 110 percent of his maximum allowable inventory for that reporting period, the difference is excess inventory. He must in that case, give up to the Office of Price Administration, for cancellation, points equal to his excess inventory. The points are to be given up in the form of a check drawn on his ration bank account, payable to the Office of Price Administration. That check must be attached to and forwarded with his report on OPA Form R-1310 for the reporting period ending December 2, 1944. A wholesaler who does not have enough points at the time he files his report, may accumulate points and must forward them with his next report. If he has not given up points equal to his excess inventory when he files his next report, he may accumulate points and must forward them with his succeeding reports until he has liquidated his excess inventory. He may, however, during each reporting period, retain enough points for the purpose of keeping his stocks balanced as permitted by section 4.7 of this order.

[Paragraph (e) added by Am. 65, 9 F.R. 14062, effective 11-29-44]

**SEC. 4.7 Wholesaler may not acquire processed foods if actual inventory exceeds his maximum allowable inventory by more than five percent.** (a) A wholesaler may not acquire processed foods at any time if his actual inventory exceeds his maximum allowable inventory by more than five percent or if the acquisition of processed foods would cause his actual inventory to exceed his maximum allowable inventory by more than five percent. Even if he has points available, he may not use them to get more stock



if that will cause his actual inventory to exceed his maximum allowable inventory by more than five percent. However, if he has already given up points for a transfer of processed foods at a time when he was entitled to acquire them, he may take delivery of those foods.

[Paragraph (a) amended by Am. 39, 9 F.R. 6847, effective 7-2-44; and Am. 77, 10 F.R. 5103, effective 5-11-45]

**SEC. 4.8 Washington Office may grant working point capital to wholesalers.** (a) For the purpose of providing a wholesaler with enough points with which to acquire processed foods up to the amount of his maximum allowable inventory when that maximum is raised during the height of the packing season, the Washington Office of the Office of Price Administration may issue points to him in anticipation of such an increase. The number of points to be issued for this purpose will be calculated in the following manner:

(1) The point value of the wholesaler's transfers of processed foods during the reporting period covering April 1 to May 1, 1943, inclusive, is determined;

(2) That figure is multiplied by 7 (a number which it is believed will give each wholesaler a working point capital sufficient to provide the points he will need to acquire processed foods up to the amount of his greatest maximum allowable inventory);

(3) From that figure is deducted the wholesaler's point inventory at the close of business on May 1, 1943, (including the number of points the wholesaler owes the Office of Price Administration on account of his March excess inventory) and the point value of any certificates issued to him by the Office of Price Administration to increase his point inventory since May 1, 1943;

(4) To the resulting figure is added the number of points given up to the Office of Price Administration by such wholesaler since May 1, 1943, on account of his March excess inventory.

**SEC. 4.9 Wholesaler must keep records.** (a) Every wholesaler must keep, at each of his wholesale establishments, a record of the point value of all transfers of processed foods from that establishment during each reporting period. He must also keep, at his principal business office, a copy of his registration and of the reports on OPA Form R-1310 which he filed with it. If he has more than one wholesale establishment, he must keep at each establishment a copy of the reports filed for it. (However, if he has filed a combined report for several wholesale establishments he must keep copies of the reports at one of them, and must also keep a record of the inventory of each at the close of business on March 31, 1943.) In addition, a wholesaler who has been authorized by the Washington Office to omit from his report the information called for on Schedule B of OPA Form R-1310, must keep an itemized record of the inventory (of processed foods having a point value other than zero) of each establishment at the end of each reporting period.

[Paragraph (a) amended by Am. 62, 9 F.R. 12972, effective 10-28-44]

(b) In addition, at the time of any change in the point value of any item of processed foods, every wholesaler must make a record of the amount and sizes of that item which he has in his inventory. The record must show the point value of the item before and after the change, and the amount by which the point value of his inventory was increased or decreased as a result. In addition, at the time any item is added to or removed from the list of processed foods, every wholesaler must keep a record of the amount, sizes, and point value of that item which he has in his inventory. If he has more than one wholesale establishment, he must make and keep such a record at each establishment.

**SEC. 4.10 Inventory adjustments because of additions to the list of processed foods.** (a) Whenever an item is added to the list of processed foods at the beginning of a reporting period, a wholesaler's maximum allowable inventory for the next four reporting periods (beginning with the period in which the item was added) is adjusted by adding to his maximum allowable inventory of processed foods the figure determined in the following way:

(1) The amount of that item which he sold or transferred during the reporting period preceding the period in which the item was added (less returns of that item during such period) is multiplied by the point value assigned to that item when it was added;

(2) The resulting figure is multiplied by the wholesale factor fixed for the reporting period in which the adjustment is made.

(b) Whenever a wholesaler adjusts his maximum allowable inventory as described in paragraph (a) of this section, he must attach to each report in which the adjustment is made, a statement that the adjustment is made because of the addition of the item to the list of processed foods. Moreover, he must attach to his report for the period in which the item was added a statement showing:

[Above paragraph and paragraph (a) amended by Am. 14, 9 F.R. 2567, effective 3-10-44]

(1) His inventory of that item at the beginning of the preceding reporting period;

(2) The amount of that item acquired by him during the preceding reporting period; and

(3) His inventory of that item at the end of the preceding reporting period.

#### ARTICLE V—RETAILERS

**SEC. 5.1 Explanation of the terms retailer and retail establishment.** (a) Any place, including a public warehouse, where a "person" who deals in "processed foods" keeps stocks of those foods for sale or other "transfer" is a "retail establishment" if more than fifty per cent of those stocks are sold or transferred from there directly to "consumers". It is also a retail establishment, even if the amount sold or transferred to consumers is fifty per cent or less, in the following case:

(1) If some of those stocks are transferred directly to consumers; and

(2) If the rest of those stocks are kept there just to supply his own establishments of any type; and

(3) If no "wholesale establishments", and not more than three retail establishments, are supplied from there.

(A place where a person regularly keeps for sale or transfer only stocks of processed foods which he himself produced or imported is a "processor establishment" and not a retail establishment. Also, a place which is a processor establishment under section 3.1 (d) (1) is not a retail establishment.)

[Above paragraph amended by Am. 54, 9 F.R. 11538, effective 9-17-44]

(b) Any person dealing in processed foods who has a retail establishment is called a "retailer".

**SEC. 5.2 Retailers must get statement of purchases during March 1943.** (a) When a retailer buys or "acquires" processed foods during March 1943, he must get from his seller or transferor a statement showing the name of the seller or transferor, the date of the purchase or acquisition, and the number of points given up for the processed foods.

**SEC. 5.3 Retailers must register—(a) General.** Every retailer must register his retail establishments with the Office of Price Administration, at any time from April 1, 1943 to April 10, 1943, inclusive, on OPA Form R-1302. The registration form must be completed and signed by the retailer or his authorized agent. He must give all information called for by OPA Form R-1302.

(b) *Place where registration must be filed.* A retailer who has only one retail establishment must file his registration, in person or by mail, with the "board" for the place where that establishment is located. If he has more than one retail establishment, he must file a combined registration for all those establishments, in person or by mail, with the board for the place where his principal business office is located. A person who has a wholesale or a processor establishment, as well as a retail establishment, must file his retailer registration, by mail, with the Office of Price Administration, care of the Bureau of the Census, Washington, D. C.

(c) *Filing by mail.* Where a registration form is filed by mail, it is considered filed on time if the envelope is postmarked on or before April 10, 1943.

(d) *Registration of persons who become retailers because of additions to the list of processed foods.* (1) A person becomes a retailer because foods he keeps for sale or transfer at his establishment are added to the list of processed foods, must, within 10 days after his first full calendar month of operation following such addition, register that establishment, on OPA Form R-1302, in the same way that retailers registered between April 1 and April 10, 1943. He must give all the information called for by the form. However, he must show his sales and transfers of those foods from that establishment during the preceding calendar month, instead of during March 1943,



and must report his point inventory at the end of the preceding calendar month, instead of at the end of March, 1943. When he registers, he may get a "certificate" or, if he has excess inventory, he must give up points to the Office of Price Administration in the same way as retailers who register between April 1 and April 10, 1943.

(2) If he needs points to acquire stocks before the end of his first full month of operation following such addition to the list of processed foods, he may apply for a certificate to get processed foods. The application shall be made on OPA Form R-315, to the board or the "Washington Office," depending upon where he is required to register. A certificate may be issued to him any time before the end of that month. The number of points which it provides are part of his point inventory at the end of that month.

**SEC. 5.4 Retailer may not do business unless he has registered.** (a) No retailer may transfer or acquire processed foods after April 10, 1943, unless he has registered in the manner required.

**SEC. 5.5 Retailers must report their inventories.** (a) As part of his registration, every retailer (except those covered in section 5.7) must report the point value of his inventory of processed foods at the close of business on March 31, 1943. If he has more than one retail establishment, a separate inventory report for each establishment must be filed with his registration.

(b) A retailer's inventory at his retail establishment consists of processed foods physically located at that establishment or in transit to it, and also of processed foods stored, or in transit for storage, for that establishment at any other place (including a public warehouse). It includes processed foods held on consignment. However, the following items are not part of that inventory:

(1) Processed foods stored at the establishment for a person other than his customer or transferee, or held there as security for a loan to someone else (or similar transaction), or in transit to it for either of those purposes;

(2) Processed foods still in the possession of his seller or transferor;

(3) Processed foods included in the inventory of one of his other establishments.

**SEC. 5.6 Retailers must report their sales and points on hand.** (a) Every retailer (except those covered by section 5.7) must also report, as part of his registration:

(1) The point value of all processed foods transferred by him during March 1943, not including exchanges of merchandise or transfers from one to another of his retail establishments; and

(2) The total number of points which he has available for acquiring processed foods, at the close of business on March 31, 1943. He must include all points which he has on hand, all in his ration bank account (if any) and all which he has already given up for processed foods not yet shipped to him. However, he is not to include points he has received for processed foods which he has not yet shipped.

"(b) He must attach to and file with his registration, a statement showing each of his purchases or other acquisitions of processed foods during March 1943, the name and address of his seller or transferor, and the points he gave up for each purchase or other acquisition.

**SEC. 5.7 Certain retailers need not report inventory and other information.**

(a) A retailer whose gross sales of all commodities during March 1943 were \$200 or less must register on OPA Form R-1302, but need not report his inventory, sales or transfers, and points on hand. However, if he elects not to report this information, he will have to operate on the basis of turnover of the stocks he has, and he will not be eligible, when he registers, to receive a certificate enabling him to increase his working stocks.

**SEC. 5.8 A retailer is given an allowable inventory—**(a) *General.* Every retailer (except those who elect not to report, as permitted by section 5.7) is entitled to an operating inventory, called an allowable inventory, which is based on his transfers of processed foods during March 1943. This allowable inventory is stated in terms of points.

(b) *Amount of allowable inventory.* To get a retailer's allowable inventory the point value of all processed foods transferred from his retail establishments during March 1943, is multiplied by a factor fixed by the Office of Price Administration in a supplement to this order. The result is his allowable inventory. Exchanges of processed foods and transfers from one to another of his retail establishments, must not be included in this computation.

(c) *Point inventory.* (1) In order to determine how large a stock of processed foods, measured in points, a retailer has and is in a position to get, it is necessary to find out two things:

(i) The point value of his inventory; and

(ii) The number of points which he has available for acquiring processed foods, since he can use those points to get additional stocks. These points include all which he has on hand, all in his ration bank account, if any (except those for which ration checks are outstanding), all which he has already given up for processed foods not yet shipped to him, and all which he has not yet received for processed foods he has already shipped. However, points he has received for processed foods which he has not yet shipped, or points he owes for processed foods already shipped to him, are not included.

(2) The sum of the above two figures, at the close of business on March 31, 1943, shows the amount of processed foods he has and can get at that time. That sum is called his point inventory. The retailer makes this computation at the time of filing his registration on OPA Form R-1302.

(d) *When a retailer is entitled to a certificate.* If a retailer's point inventory at the close of business on March 31, 1943, is less than his allowable inventory, he is entitled to receive a certificate for the number of points needed

to make up the difference. The certificate will be issued by the board with which he registers, or by the Washington Office, if he is required to register with that office.

(e) *What a retailer must do if he has excess inventory.* If a retailer's point inventory at the close of business on March 31, 1943, is greater than his allowable inventory, the difference is excess inventory. He must, in that case, give up to the Office of Price Administration, for cancellation, points equal to his excess inventory. Points for that amount must be forwarded with his registration. If he does not have a ration bank account, he may give up the points in any form. If he has a ration bank account, he must give up the points in the form of a check drawn on that account, made payable to the Office of Price Administration. A retailer who does not have enough points at the time of registration must, within one week after the last day of each calendar month (beginning with the month of December 1943), give up to the board with which he is registered (or to the Washington Office, if he is registered there) the points which he has on hand and in his ration bank account at the end of that month, until he has, in this way, given up points equal to his excess inventory. He may, however, keep points equal to 25% of the number of points he received for his sales or transfers of processed foods during March 1943, or, if March 1943 is not the period used for establishing his allowable inventory, then during the month which has been used as such base. (Points for which ration checks are outstanding, points owed for acquisitions of processed foods during such month, and points owed for under-deliveries of such foods are not considered points which he has "on hand".) However, until he has given up points equal to his excess inventory, he may not acquire during any one calendar month processed foods having a point value of more than 25 percent of the number of points he received for his sales or transfers of processed foods during March 1943.

[Paragraph (e) amended by Am. 47, 9 F.R. 7773, effective 7-15-44]

**SEC. 5.9 [Revoked]**

**SEC. 5.10 Retailers must keep records.**

(a) Every retailer must keep a copy of his registration, at his principal business office. If he has more than one retail establishment, he must keep at each establishment a copy of the inventory report filed for it.

(b) He must also keep, at his principal business office, the statements from his suppliers showing their sales or transfers to him during March 1943.

(c) In addition, at the time of any change in the point value of any item of processed foods, after March 31, 1943, every retailer must make a record of the amount and sizes of that item which he has in his inventory. The record must show the point value of the item before and after the change, and the amount by which the point value of his inventory was increased or decreased as a result. In addition, at the time any item is added to or removed from the list of processed



foods, every retailer must keep a record of the amounts, sizes, and point value of that item which he has in his inventory. If he has more than one retail establishment, he must make and keep such a record at each establishment.

**Sec. 5.11 Retailers must post point prices.** (a) Beginning March 1, 1943, every retailer must post the current Official Table of Point Values (OPA Form R-1313) in his retail establishment in such manner that it can be plainly seen and read by purchasers.

(b) Every retailer who has an establishment at which the processed foods he carries are displayed to consumers must post there the point value of every item of processed foods he carries. The point value must be posted, in such manner that it can be plainly seen and read by consumers in one or more of the following ways:

- (1) On the commodity itself; or
- (2) On the shelf or other place where the commodity is kept; or
- (3) On a list attached to, or posted next to, the shelf or other place where the commodity is kept.

(c) When a change is made in the point value of any processed food, a retailer is allowed one full business day after the change becomes effective in which to correct the point values which he has posted in compliance with paragraph (b) of this section.

#### ARTICLE VI—INDUSTRIAL USERS

**Sec. 6.1 Explanation of the terms industrial user and industrial user establishment.** (a) An "industrial user establishment" is any place at which "processed foods" are used in producing or manufacturing for sale or "transfer" any product which is not a processed food. (For example, a bakery at which canned peaches are used in baking peach pies, for sale or transfer, is an industrial user establishment. Canned peaches are processed foods, but peach pie is not.) A place at which processed foods are used in producing other processed foods is a "processor establishment" and not an industrial user establishment. (An example of this would be the use of canned peaches for making canned fruit salad since both canned peaches and canned fruit salad are processed foods.) Moreover, a place, such as a restaurant, at which processed foods are used in the preparation for service and the service of meals, would be an "institutional user establishment," and not an industrial user establishment. (An "institutional user" may obtain processed foods allotments, and may use processed foods, only in accordance with the provisions of General Ration Order 5.) It also includes any place (except a place where processed foods are used for sampling or demonstration in accordance with section 10.9 or a place where processed foods are used only for educational purposes under the direction of the Department of Agriculture or the Extension Service of the Department of Agriculture) at which processed foods are used for experimental, educational, testing, or demonstration purposes. (The term "demonstration" means showing a prospective purchaser how an item of processed foods

looks, how it is prepared, or how it tastes.)

[Paragraph (a) amended by Am. 43, 9 F.R. 7202, effective 7-3-44]

(b) Any "person" who operates an industrial user establishment is called an "industrial user". An industrial user who ceases to make an industrial use of processed foods (other than temporarily) is not regarded as an industrial user after he ceases.

[Paragraph (b) amended by Am. 34, 9 F.R. 5436, effective 5-26-44]

(c) [Revoked].

[Paragraph (c) revoked by Am. 60, 9 F.R. 12971, effective 11-3-44]

**Sec. 6.2 Industrial users must register—**(a) *General.* Every industrial user must register his industrial user establishment with the Office of Price Administration, at any time from March 1, 1943 to March 10, 1943, inclusive, on OPA Form R-1308, in duplicate. The registration form must be completed and signed by the industrial user or his authorized agent.

(b) *Re-registration between December 15, 1943 and January 5, 1944.* Every industrial user who is registered under this order on December 14, 1943, must re-register his industrial user establishment by filing OPA Form R-1200 at any time from December 15, 1943 to January 5, 1944, inclusive, in accordance with General Ration Order 16.

(c) *Industrial user must register all his establishments separately or as a unit.* An industrial user who has more than one industrial user establishment, must either register each establishment separately or all of them together. If he has more than one industrial user establishment, and registers them separately, each of those establishments must be treated and operated separately for all purposes of this order just as though the establishments were owned by different persons. If he registers them together, they must be treated as a unit for all purposes of this order. An industrial user who has more than one establishment which he registered together on OPA Form R-1308 may register all his establishments together or each separately when he re-registers them on OPA Form R-1200.

(d) *Industrial users must register with the board.* Each industrial user must register with the "board" for the place where his industrial user establishment is located. If he has more than one industrial user establishment and registers them together, the registration form must be filed with the board for the place where his principal business office is located. If he has more than one such industrial user establishment and registers them separately, the registration form for each must be filed with the board for the place where it is located.

(e) *Allocation of inventory and unused allotments.* An industrial user who has more than one industrial user establishment which he registers separately on OPA Form R-1200, may allocate any unused part of his prior allotments and the inventory of processed foods which he has on the date of his re-registration

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among his various industrial user establishments as he wishes.

(f) *Industrial users' place of registration may be changed by district office.*

(1) Any district office, with the consent of the regional office, may require that any board located in its district transfer the registration of industrial users registered with it to another board or to the district office. The transfer shall be made by forwarding the registration file and all other records of the industrial users to the designated board or to the district office.

(2) Where an industrial user's registration is transferred under this section to a district office, the word "board", wherever used in this order to refer to the board with which an industrial user is registered, shall be deemed to refer to the district office where that industrial user is registered.

[Paragraph (f) added by Am. 31, 9 F.R. 4881, effective 5-7-44]

**Sec. 6.3 Industrial user may not do business unless he has registered.** (a) No industrial user may "acquire" or use processed foods at his industrial user establishment, after March 10, 1943, unless he has registered as required.

(b) No industrial user may acquire or use processed foods at his industrial user establishment after January 5, 1944 until he has re-registered as required by General Ration Order 16.

(c) However, any person may make an industrial use of processed foods which have a zero point value without registering as an industrial user. However, he must register his use of those foods in the way described in Section 6.7 within 20 days after a point value higher than zero is assigned to those foods. He must attach to his registration on OPA Form R-1200 a statement showing the point value of his inventory of those foods as of the time when a point value higher than zero was assigned to them.

[Paragraph (c) added by Am. 22, 9 F.R. 3710, effective 4-6-44; amended by Am. 70, 9 F.R. 15052, effective 12-26-44]

**Sec. 6.4 Industrial users must report their inventories.** (a) As part of his registration, on OPA Form R-1308, an industrial user must report the point value of his inventory of processed foods (by items) at the close of business on February 28, 1943. If he has more than one industrial user establishment, a separate inventory report for each establishment must be filed with his registration on OPA Form R-1308.

(b) His industrial user inventory consists of all processed foods included in the inventory of his industrial user establishments. The inventory of an industrial user establishment consists of all processed foods physically located at the establishment or in transit to it. However, the following items are not part of that inventory:

(1) Processed foods stored at the establishment for another person, or held there as security for a loan to someone else (or similar transaction), or in transit to it for either of those purposes;

(2) Processed foods included in the inventory or any of his other establishments of any type.



(c) His industrial user inventory also includes all processed foods which he holds at, or which are in transit to, any other place for his "industrial use." However, processed foods included in the inventory of any establishment which is not an industrial user establishment must not be reported as part of his industrial user inventory.

(d) In addition, within 20 days of the date on which any item is added to the list of processed foods, every industrial user must report to the board with which he is registered, his inventory of that item, in pounds and point value, as of the date on which it becomes a processed food. His inventory of that item shall be treated as excess inventory. He may at the same time apply for an increase in his allotment (for the allotment period in which such item is added to the list of processed foods) by reason of that addition, in accordance with section 6.7 of this order.

(e) Within 20 days after the date on which a point value higher than zero is assigned to a processed food, every person already registered as an industrial user under this order must report to the board or district office with which he is registered, his inventory of that food, in pounds and point value, as of the date on which a point value higher than zero was assigned to it. His inventory of that food shall be treated as excess inventory.

[Paragraph (e) added by Am. 70, 9 F.R. 15052, effective 12-26-44]

**SEC. 6.5 Industrial users must report their base-period use.** (a) As part of his registration on OPA Form R-1200, an industrial user must report the number of pounds of processed foods he used in his industrial user establishment during 1942. The report must show the amount he used during each of the following quarters in 1942, called base periods:

- (1) January to March, inclusive;
- (2) April to June, inclusive;
- (3) July to September, inclusive;
- (4) October to December, inclusive.

(b) The report must show his use during those periods, of each of the following classes of processed foods:

- (1) Fruits;
  - (i) Canned and bottled,
  - (ii) Frozen,
  - (iii) Dried and dehydrated.
- (2) Vegetables;
  - (i) Canned and bottled,
  - (ii) Frozen,
  - (3) Miscellaneous;
    - (i) Dry beans,
    - (ii) "Jams", "jellies", "marmalade", "preserves" and "fruit butters".

In addition, the report must show his use, during those periods, of fruit and vegetable juices in containers over one gallon.

(c) He must include, in his report of his base-period use, any adjustments in that use authorized by the Office of Price Administration.

(d) If an industrial user establishment was not in operation for a full quarter, his industrial use of processed foods during that quarter is fixed, for all the purposes of this order, in the following way:

(1) If the establishment was in operation during a part of the quarter:

(i) The amount of such foods used by him at his industrial user establishment during that part of the quarter is determined;

(ii) That amount is divided by the number of days the establishment was in operation during the quarter;

(iii) The result is multiplied by the number of days the establishment would have been operated during the quarter, if it had been a normal period of operations;

(iv) The resulting figure is treated as the amount so used during the quarter.

(2) If the establishment was not in operation at all during the quarter but was in operation in any other part of 1942:

(i) The amount of such foods used by him at his industrial user establishment during all of 1942 is determined;

(ii) That amount is divided by the number of days the establishment was in operation during 1942;

(iii) The result is multiplied by the number of days the establishment would have been operated during the quarter, if it had been a normal period of operations;

(iv) The resulting figure is treated as the amount so used during the quarter.

(3) If the establishment was not in operation at all during 1942, but was in operation at some time between January 1, 1943 and February 28, 1943, inclusive:

(i) The amount of processed foods used by him at his industrial user establishment between January 1, 1943 and February 28, 1943, inclusive, is determined;

(ii) That amount is divided by the number of days the establishment was in operation between January 1, 1943 and February 28, 1943, inclusive;

(iii) The result is multiplied by the number of days the establishment would have been operated during the quarter, if it had been a normal period of operations;

(iv) The resulting figure is treated as the amount used during the quarter. (If the establishment of an industrial user was not in operation at any time from January 1, 1942 to February 28, 1943, inclusive, he is treated as a new industrial user as to that establishment and must apply for permission to register as a new industrial user under the provisions of this order.)

(e) The rules set forth under (1) and (2) of paragraph (d) of this section do not apply where an industrial user's establishment was not in operation during all or part of a quarter because of a normal seasonal shutdown or for any similar reason. Where that is so, it is assumed that conditions will be the same during the corresponding period in 1944.

(f) An industrial user must exclude the following from his base-period use reported on OPA Form R-1200:

(1) His use of processed foods for educational purposes, when such use was under the direction of the Department of Agriculture or the Extension Service of the Department of Agriculture;

[Subparagraph (1) amended by Am. 43, 9 F.R. 7202, effective 7-3-44]

(2) His use of any item of processed foods having a zero point value at the time he applies for his allotment.

(g) An industrial user must exclude from his base-period use reported on OPA Form R-1200 his use of any item of food which is not included within the definition of processed foods. When he applies for his next allotment, he must notify the board or district office with which his industrial user establishment is registered, in writing, of any changes required to be made, under this section, in his base-period use as reported on Schedule II of that form. (If the change is as to part of a class of processed foods, he may, if he does not have records, give his best estimate, and indicate that the figures given are estimates.) The board (or district office) shall amend his registration on OPA Form R-1200 by excluding from his base-period use of foods as shown on Schedule II of that form, his use of any item of food which is not included within the definition of processed foods when he applies for that allotment.

[Paragraph (g) added by Am. 67, 9 F.R. 14643, effective 12-16-44]

**SEC. 6.6 Industrial users' allotments—**  
(a) *General.* An industrial user is given an allotment to enable him to get and use processed foods at his industrial user establishment. Allotments are given for fixed periods called allotment periods. The first allotment period for 1944, is from January 1 through March 31, 1944. The second period is from April 1 through June 30, 1944. The third period is from July 1 through September 30, 1944. The fourth period is from October 1 through December 31, 1944.

(b) *Application for allotments.* After December 14, 1943, no industrial user may apply for or receive any allotment for any 1943 allotment period. An industrial user's re-registration on OPA Form R-1200 is treated as an application for an allotment for the first allotment period of 1944. His application for an allotment for any other allotment period must be made, in person or by mail, to the board with which he is registered. No particular form need be used for such an application. The application must be made not more than fifteen days before, nor more than five days after, the beginning of the period. The board may permit the application to be made at any time during the month preceding an allotment period under such circumstances as the "Washington Office" may direct. The board, in its discretion, may also permit an application to be made at any time within the allotment period. However, if it is made more than five days after the beginning of the period, the industrial user's allotment shall be reduced in proportion to the part of the allotment period which has elapsed at the time he applies for the allotment.

**NOTE:** An industrial user is permitted to use processed foods only up to the amount of his allotment. He may therefore, need an allotment even if his stocks are sufficient, since his allotment establishes his right to use processed foods—it is not just a method by which he gets them.

(c) *Amount of allotment.* An industrial user's allotment is determined on



the basis of his total use of processed foods at his industrial user establishment during the quarterly period in 1942 corresponding to the allotment period. The amount of each class of processed foods (set forth in section 6.5 (b)) used by him during the corresponding quarter of 1942 for the classes of products or uses listed by him on Schedule I of OPA Form R-1200, is multiplied by a factor fixed in a supplement to this order for that class of processed foods and for that class of product or use. The numbers which result are added, and the total is his allotment, stated in points. (The factor is fixed in such a way that it gives an allotment which fairly represents both the average point value of the processed foods used and the reduction in use required as a result of the scarcity of processed foods.)

(d) *Right to a certificate: excess inventory.* (1) An industrial user is entitled to get and use processed foods up to the amount of his allotment. He is, therefore, given a "certificate" for the number of points he needs in order to get that amount. However, if he had stocks on hand, on February 28, 1943, when rationing of processed foods began, he could use them for his allotment and therefore needed fewer points. For that reason, the point value of his inventory at the close of business on February 28, 1943, was deducted from his allotments. (The method of determining his inventory at the close of business on February 28, 1943, is covered by section 6.4.) If the point value of an industrial user's inventory on February 28, 1943, was less than his first allotment, he was entitled to get, from the board with which he registered, a certificate for the number of points needed to make up the difference. If the point value of his inventory was greater than his first allotment, the difference was excess inventory. In that case, he was not entitled to receive a certificate for the first allotment period, nor for any subsequent allotment period until the total of his subsequent allotments exceeded his excess inventory.

(2) If an industrial user has or is chargeable with any excess inventory at the time he re-registers on OPA Form R-1200, that excess must be entered on the form at the time he re-registers his industrial user establishment. If he has more than one such establishment and registers them separately, he may allocate such excess inventory among them in any way he wishes. However, if an industrial user has more than one establishment which he re-registers separately, he must file with the board for the place where his principal business office is located, a statement of his total excess inventory of processed foods and the amount allocated to each of his establishments. The statement must be signed by the industrial user or his authorized agent.

(3) If the point value of an industrial user's excess inventory is less than his allotment for the first allotment period of 1944, he is entitled to get, from the board with which he re-registers, a certificate for the number of points needed to make up the difference. If the point value of such excess inventory is greater

than his allotment for the first allotment period of 1944, he is not entitled to get a certificate for that allotment period. He is not entitled to get a certificate until the total of his subsequent allotments exceeds his excess inventory.

(e) *Issuance of certificates.* Only one certificate will be issued by the board, for the full number of points to which an industrial user is entitled during any allotment period, except that if he has more than one industrial user establishment and has registered them separately, he is to get a separate certificate for each, since separately registered establishments are treated separately.

(f) *Report of processed foods acquired point-free or at reduced point values.* An industrial user who, between March 1 and October 4, 1943, inclusive, produced processed foods, or, at any time after February 28, 1943, acquired processed foods (other than those having a zero point value at the time he acquired them) without giving up points, and who is not required by any other provision of this order to account for or turn over to the Office of Price Administration points for the point value of the processed foods so produced or acquired, must report such production and acquisition and the amount produced or acquired when applying for his next allotment. The processed foods so produced or acquired shall be treated as excess inventory. An industrial user must also report, when applying for his allotment, the amount and point value of processed foods acquired by him during the preceding allotment period at a reduced point value under the provisions of section 9.11. However, an industrial user who acquires foods under section 6.12 is not required to report that acquisition under this paragraph.

[Paragraph (f) amended by Am. 38, 9 F.R. 6235, effective 6-10-44; and Am. 58, 9 F.R. 12639, effective 10-23-44]

(g) *Accounting for errors.* If an industrial user receives an allotment larger than he is entitled to receive, as a result of an error, omission, or mistake made in his application or by his board, or by any other office of the Office of Price Administration, the amount of the excess shall be treated as excess inventory.

(h) *Industrial users who have unbalanced stocks.* If an industrial user is not entitled to receive a certificate because he has excess inventory, but finds that he does not have an adequate stock of a particular kind of processed foods, he may apply, on OPA Form R-315, to the board with which he is registered for a certificate to enable him to get that kind. The application must show the kind and amount of food which he needs and the reasons he needs it. If the board finds that he does not have an adequate stock of the particular food, it may issue to him a certificate for the number of points needed, up to one third of his allotment for that period. The points so issued must be treated as excess inventory. The granting of the application shall not be treated as an increase in his allotment. The board may grant only one such application for an industrial user.

(i) *Reduction of allotment and adjustment of excess inventory based on frozen processed foods.* (1) The allotment for the second allotment period of 1944 of any industrial user who used frozen processed foods during the second quarter of his base period, shall be reduced by the amount which represents that use. The amount of the reduction shall be treated as excess inventory. He may not, after April 6, 1944, use processed foods having a point value, if, before that date, he used processed foods up to the amount of that reduced allotment plus any unused parts of his prior allotments or if such use of processed foods would cause his total use, in points, during the second allotment period to exceed that reduced allotment plus any unused parts of his prior allotments.

(2) An industrial user who acquired frozen processed foods for points after March 15, 1944, from points issued to him for the second allotment period, may apply for an adjustment of his excess inventory. (An industrial user who, on March 15, 1944, had points on hand or in his ration bank account is considered to have acquired frozen processed foods from points issued to him for his second allotment period only to the extent that the point value of frozen processed foods he acquired after March 15, 1944, exceeds the points he had on hand or in his ration bank account on that date.) Application shall be made on OPA Form R-315 to the board with which he is registered and must state, with respect to each such acquisition:

(i) The point value of frozen processed foods acquired for points after March 15, 1944, from points issued to him for the second allotment period;

(ii) The types and quantities of frozen processed foods acquired with those points;

(iii) The dates on which such foods were acquired; and

(iv) The names and addresses of the persons from whom such foods were acquired.

(3) If the board finds the statements made in the application are true, it shall grant the application and reduce his excess inventory by the number of such points which he used between March 16 and April 1, 1944, inclusive, to acquire frozen processed foods.

[Paragraph (i) amended by Am. 22, 9 F.R. 3710, effective 4-6-44]

(j) *Allotments for industrial user of canned or bottled vegetables or vegetable juices having a point value.* An industrial user who, during the second quarter of his base period, used canned or bottled vegetables or vegetable juices, which on March 4, 1945 have a point value (other than zero) may apply for an allotment covering such vegetables or juices. The application shall be made on OPA Form R-315, to the Board or District Office with which he is registered, and must estimate the number of pounds of such vegetables or juices separately for each item (as listed on the Official Table of Point Values—effective March 4, 1945) which he used during the second quarter of his base period. The Board or District Office may grant the application if it finds that the industrial user, during the second



quarter of his base period, used canned or bottled vegetables or vegetable juices which had a point value (other than zero) on March 4, 1945. The amount of his allotment shall be computed in the following way:

(1) The number of pounds of each such item of canned or bottled vegetables or vegetable juices which he used during the second quarter of his base period is multiplied by the point value in effect for that item on March 4, 1945 (as shown on the Official Table of Point Values—effective March 4, 1945);

(2) The resulting figures are added together and multiplied by 0.33. The result represents his allotment for the second allotment period of 1945 for canned or bottled vegetables or vegetable juices which had a point value on March 4, 1945. (Section 6.6 (d) applies in determining whether an industrial user who receives an allotment under this paragraph is entitled to a check, and in determining the amount of the check.)

[Paragraph (j) added by Am. 6, 9 F.R. 1397, effective 2-7-44; amended by Am. 54, 9 F.R. 11538, effective 9-17-44; Am. 66, 9 F.R. 14643, effective 12-16-44; and Am. 74, 10 F.R. 2875, effective 3-16-45]

(k) *Allotments for the third quarterly period for industrial users of canned or bottled vegetables or vegetable juices having a point value.* An industrial user who during the third quarter of his base period used canned or bottled vegetables or vegetable juices which on June 3, 1945, had a point value (other than zero) may apply for an allotment covering such vegetables or vegetable juices. The application shall be made on OPA Form R-315 to the Board or District Office with which he is registered and must give his best estimate of the number of pounds of such vegetables or juices, separately for each item (as listed on the Official Table of Point Values, effective June 3, 1945) which he used during the third quarter of his base period. The Board or District Office may grant the application if it finds that the industrial user during the third quarter of his base period used canned or bottled vegetables or vegetable juices which had a point value (other than zero) on June 3, 1945. The amount of his allotment shall be computed in the following way:

(1) The number of pounds of each such item of canned or bottled vegetables or vegetable juices which he used during the third quarter of his base period is multiplied by the point value in effect for that item on June 3, 1945 (as shown on the Official Table of Point Values, effective June 3, 1945);

(2) The resulting figures are added together and multiplied by 0.33.

The result represents his allotment for the third allotment period of 1945 for canned or bottled vegetables or vegetable juices which had a point value (other than zero) on June 3, 1945. (Paragraph (d) of this section applies in determining whether an industrial user who receives an allotment under this paragraph is entitled to a check and in determining the amount of the check.)

[Paragraph (k) added by Am. 32, 9 F.R. 5254, effective 5-20-44; amended by Am. 82, 10 F.R. 7342, effective 6-15-45]

(l) *Substitution of 1944 base-period use for 1942 base-period use of certain industrial users.* (1) A person who, as a processor, used processed foods to produce other processed foods before September 17, 1944 and whose use of processed foods became an industrial use on September 17, 1944 shall have his base-period use of processed foods adjusted as described in this paragraph. (For example, a person who produced jams, jellies, or preserves between October 31, 1943 and September 16, 1944 was, with respect to that operation, a processor. Beginning September 17, 1944, jams, jellies, and preserves were removed from the list of processed foods and, therefore, producers of those foods became industrial users of processed foods with respect to their use of canned or bottled fruits or other processed foods to make any of those items for sale or transfer.) He must file a statement on OPA Form R-315 with the board or district office with which his industrial user establishment is registered. The statement must be filed when he applies for his allotment for the first allotment period of 1945, but in no event later than January 5, 1945, and must show:

(i) The products or uses as to which his use of processed foods became an industrial use on September 17, 1944; and

(ii) The number of pounds of processed foods, by groups (as shown on Schedule II of OPA Form R-1200), which he used at his establishment during each quarter of 1944 to make those products. His use of such foods must be stated separately for each class of products or uses (as shown on Schedule I of OPA Form R-1200) in which those products are included. He must show his use of processed foods to make jams, jellies, preserves, marmalades or fruit butters as a separate class to be designated as "Class 18". (However, in reporting his use of processed foods to make the products as to which his use became an industrial use on September 17, 1944, he must exclude his use of processed foods to make those products for the agencies listed in sections 1.2 and 2.1 of General Ration Order 11.<sup>5</sup>) If he does not have the information for the fourth quarter of 1944 at the time he files the statement, he may include his use only during the first three quarters of 1944. However, he must give that information with respect to the fourth quarter of 1944 on OPA Form R-315 when he applies for his next allotment.

If his use of processed foods to make jams, jellies, preserves, fruit butters or marmalades is included in any class of products or uses other than "Class 18" (as shown on Schedule I of OPA Form R-1200) he must also notify the board or district office of the number of such pounds of processed foods, by groups (as shown on Schedule II of that form) which he included, and the class in which they were included.

(2) The board or district office with which he is registered shall substitute the applicant's use of processed foods during each quarter of 1944 to make the prod-

ucts as to which he became an industrial user on September 17, 1944 for his base-period use of processed foods, to make those products (as reported on Schedule II of his OPA Form R-1200 for the corresponding quarters of 1942). If the applicant shows that he used processed foods, to make jams, jellies, preserves, marmalades or fruit butters, the board (or district office) shall indicate on Schedule I of his OPA Form R-1200 that he uses such foods to make that class of products and shall eliminate from his base-period use for any other class of products or uses his use for that purpose. (These products shall be designated as "Class 18" of the various classes of products or uses listed on Schedule I of OPA Form R-1200.)

[Paragraph (l) added by Am. 68, 9 F.R. 14643, effective 12-16-44]

(m) *Adjustment in allotment of industrial users of processed foods assigned a point value (other than zero) after September 17, 1944.* Any person already registered as an industrial user who, during the first quarter of his base period, used a food which was removed from the definition of processed foods on September 17, 1944, but which becomes a processed food with a point value (other than zero) after September 17, 1944, may apply for an adjustment in his allotment. The application shall be made, after the processed food is assigned a point value (other than zero), on OPA Form R-315 to the board or district office with which he is registered, and must estimate the number of pounds of such food (separately for each item as listed on the Official Table of Point Values which first assigned the point value other than zero to those items after September 17, 1944) which he used during the first quarter of his base period. The Board or district office may grant the application if it finds that the industrial user, during the first quarter of his base period, used a food which was removed from the definition of processed foods on September 17, 1944, but which became a processed food with a point value (other than zero) after September 17, 1944. The amount of the adjustment shall be computed in the following way:

(1) The number of pounds of each such item which he estimated that he used during the first quarter of his base period is multiplied by the point value first assigned to that item after September 17, 1944, as shown on the Official Table of Point Values;

(2) The figures are added together and multiplied by 0.5;

(3) The resulting figure is reduced in proportion to the part of the allotment period which has elapsed since January 5, 1945.

(Section 6.6 (d) applies in determining whether an industrial user who receives an allotment under this paragraph is entitled to a check and determining the amount of the check.)

[Paragraph (m) added by Am. 70, 9 F.R. 15052, effective 12-26-44]

Sec. 6.7 *Registration after March 10, 1943—(a) Registration of persons whose use of processed foods becomes an industrial use because of changes in the list*

<sup>5</sup> 8 F.R. 9008, 9625, 10419, 11671, 12558, 12711, 13171, 13920, 16840, 17511; 9 F.R. 848, 1053, 3076, 4010, 5374, 6628, 8986, 9512, 13845.



of processed foods. (1) Any person who becomes an industrial user, or whose use of certain foods becomes an industrial use, because the foods he uses in his operations are added to the list of processed foods (or because he uses processed foods in making products which were removed from the list of processed foods) must register his use of those foods with the Office of Price Administration within 20 days after his use of the foods in question becomes an industrial use of processed foods.

(i) If he is not already registered as an industrial user under this or any other food ration order of the Office of Price Administration, he must register his industrial user establishment by filing OPA Form R-1200, in duplicate, with the board for the place where his establishment is located. If he has more than one such industrial user establishment he must either register each establishment separately on a separate form or he must register all of them together on a single form. If he has more than one such establishment and registers them together, the registration form must be filed in person or by mail with the board for the place where his principal business office is located. If he has more than one such industrial user establishment and registers them separately, the registration form for each must be filed with the board for the place where it is located.

(ii) If he is already registered under any other food ration order he may register as an industrial user under this order by amending his registration on OPA Form R-1200 to show his use of processed foods.

(iii) If he is already registered as an industrial user under this order he must amend his registration, on OPA Form R-1200, to show his use of the foods in question.

(2) He must give all the information called for by the form with respect to his use of the foods in question. In addition, he must attach to the form a statement showing the point value of his inventory of those foods as of the time his use of them became an industrial use.

(i) An industrial user who used the foods in question in his operations before March 1, 1943, must show on his registration his base-period use of those foods. If he did not use those foods in his operations during all of 1942, he may compute his use of those foods during each quarter in the way described in section 6.5 (d) and (e). If the board finds that he used those foods in his operations before March 1, 1943, it shall grant him an allotment for the allotment period in which he registers (or amends his registration) reduced in proportion to the portion of the allotment period which has elapsed at the time he registers (or amends his registration).

(ii) An industrial user who is unable to establish a base-period use because he did not use the foods in question in his operations before March 1, 1943, must apply on OPA Form R-315 to the board with which he is registering for the assignment of a base-period use. His application must show:

- (a) The product the applicant makes;
- (b) The size of the establishment;

- (c) The amount invested in it;
- (d) The market supplied;
- (e) The date on which he started to use the foods in question;
- (f) His inventory of those foods;
- (g) The amount and kinds of foods used since he began operations;
- (h) The amount of base-period use requested; and

(i) That he became an industrial user because the foods he uses in his operations were added to the list of processed foods (or because he uses processed foods in making a product which was removed from the list of processed foods).

The board may not pass on the application for the assignment of a base-period use but must forward it, together with all information received, to the district office. The board may attach its recommendation, if any, as to the action to be taken. If the district office finds that the applicant became an industrial user, or that his use of the foods in question became an industrial use, because the foods he uses in his operations were added to the list of processed foods (or because he uses processed foods in making a product which was removed from the list of processed foods) it shall assign to him a base-period use of those foods. The board shall grant the applicant an allotment on the basis of such assigned base-period use reduced in proportion to the portion of the allotment period which has elapsed at the time of his application.

(b) *Late registration.* (1) The board may permit an industrial user who failed to register at the time required, to register and apply for an allotment at a later date. In his registration, he must report his inventory of processed foods as of the first day of the period in which he was required to register.

(2) His allotment is computed in the same way as that of an industrial user who registered on time. However, he must not acquire or use processed foods at his industrial user establishment until he registers, and the amount of his allotment shall be reduced in proportion to the part of the allotment period which has elapsed at the time he registers. In addition, he may not receive any allotment for expired allotment period.

**SEC. 6.8 Restrictions on use of processed foods by industrial users.** (a) No industrial user may use for any purpose except an industrial use, processed foods which are included in his inventory or which he acquired with points he received as an industrial user.

(b) No industrial user may use, during an allotment period, more processed foods than his allotment for that period plus any unused part of his allotments for earlier periods. He may also use processed foods up to the amount of an allotment for any future period, at any time after he has been granted that allotment. However, if he uses any part of that allotment prior to the beginning of the period for which it was granted, he shall, for purposes of this paragraph, be considered to have used it in the period for which it was granted.

(c) After December 31, 1943, no industrial user may use processed foods to make a product or use not included in

a class of products or uses checked by him on Schedule I of OPA Form R-1200. Furthermore, after December 31, 1943, no industrial user may use, to make any class of product or use, more processed foods than the part of his allotment representing his base-period use of processed foods for that class, as shown on OPA Form R-1200.

(d) Processed foods acquired by an industrial user at less than their full point value under section 9.11 shall, for all the purposes of this article, be considered to have the point value at which he acquired them.

(e) The restrictions imposed by this section on an industrial user's use of processed foods do not apply to items of processed food having a zero point value.

**SEC. 6.9 Industrial users must keep records.** (a) Every industrial user must keep a copy of his registration on OPA Form R-1308 and on OPA Form R-1200. He must also keep a record of his inventory at the close of business on February 28, 1943. If he has more than one industrial user establishment which he registers together, these records must be kept at his principal business office; otherwise, they must be kept at the establishment covered by them. He must also preserve his records showing his use of processed foods during the period for which he reported in his registration.

(b) In addition, each industrial user must keep, at the same place, a record of the amount of processed foods he acquires and the date of acquisition, and the amount of processed foods used at his industrial user establishment during each allotment period. He must also keep there a record of the amount of the following items used by him:

- (1) Fruit and vegetable juices in containers over 1 gallon.

#### SEC. 6.10 [Revoked]

[Sec. 6.10 revoked by Am. 54, 9 F.R. 11538, effective 9-17-44]

**SEC. 6.11 Industrial users must report their ration bank balances, inventories, and points on hand as of January 1, 1945.** (a) Each industrial user must file with the board (or district office) with which he is registered, a signed report showing separately, as of the close of business on December 31, 1944:

- (1) His name and address;
- (2) The point value of his inventory of processed foods;
- (3) The balance, less outstanding checks, in his ration bank account;
- (4) The number of points he has on hand;
- (5) The number of points he has sent to his suppliers and for which he has not yet received processed foods;
- (6) The point value of any processed foods reported in (2) for which he has not yet given up points to his suppliers;
- (7) Any advance of processed foods or points he has which he obtained under General Ration Order 11;
- (8) Points received under his allotment for the first allotment period of 1945 or any processed foods acquired with such points;
- (9) The point value of any processed foods reported in (2) which were ac-



quired by him in the way permitted by section 6.12 of this order;

(10) The number of points reported in (3), (4), or (5) which were acquired by him in the way permitted by section 6.12 of this order;

(11) The point value of any unused balance of processed foods in the hands of another person which the industrial user transferred to that person or which that person acquired with points transferred by the industrial user in the way permitted by section 6.12 of this order; and

(12) The balance of points in the hands of another person which the industrial user transferred to that person in the way permitted by section 6.12 of this order.

[Subparagraphs (7) and (8) amended and (9), (10), (11) and (12) added by Am. 71, 10 F.R. 201, effective 1-3-45]

(b) If he has only one industrial user establishment, or more than one such establishment registered separately, the report must be filed not later than January 14, 1945. If he has more than one establishment registered together, the report must be filed not later than January 21, 1945.

(c) No industrial user may get an allotment after January 14, 1945, or January 21, 1945, as the case may be, unless he has made the report required by this section to the board (or district office) with which he is registered.

[Paragraphs (b) and (c) amended by Am. 72, 10 F.R. 413, effective 1-7-45]

[Sec. 6.11 added by Am. 70, 9 F.R. 15052, effective 12-26-44]

**SEC. 6.12** *An industrial user may transfer foods or points for industrial use—(a) General.* A registered industrial user may transfer processed foods without getting points (or he may transfer points without getting processed foods) to any person for making an industrial use of those foods (or points) which the transferor is entitled to make under section 6.8 (c), and, unless otherwise authorized by the Office of Price Administration, only if:

(1) Prior to the transfer, the transferor and transferee give the notice required under paragraph (b) of this section; and

(2) The product made will be distributed in the same area and to the same general class of customers served by the transferor before the transfer.

(b) *Notice.* Before any transfer may be made under this section, both the transferor and transferee must notify, in writing, the board (or district office) with which the transferor is registered. The notice must state:

(1) The amount and point value of the processed foods or the number of points involved;

(2) The names and addresses of both parties;

(3) The use to be made of the processed foods transferred (or of the processed foods acquired with the points transferred);

(4) The class of customers and the area served by the transferor; and

(5) That the product made will be distributed to that class of customers in that area.

(c) *The transferee may use foods or points acquired under this section whether or not he is registered.* The transferee may use processed foods or points transferred in accordance with this section even if he is not a registered industrial user. If he is a registered industrial user he may use the processed foods or points in addition to any use permitted him under section 6.8 of this order.

(d) *Use of foods or points and distribution of products.* The transferee may use processed foods transferred (or processed foods obtained with points transferred) to him under this section only for the purpose stated in the notice (or for other uses or products in the same class) and only to the extent that the transferor might use the processed foods or points for that purpose. Furthermore, whichever of them distributes products which the transferee makes with such processed foods to anyone else, must distribute those products in the same area and to the same general class of customers as the transferor served prior to the transfer. If the transferee distributed products of the same class to the same area and general class of customers before receiving the processed foods or points under this section, he must continue to distribute to that area and class of customers at least the same proportion of the product made with the points allotted to him for that class of products as he distributed before he acquired the processed foods or points under this section. Any processed foods used by the transferee under this section are considered to have been used by the transferor as well as the transferee.

(e) *Records.* The transferee must make and keep for two years at his principal business office, records showing by months the amounts and point value of any processed foods acquired by him under this section and the amount of such processed foods used for each product or use made with such processed foods.

(f) *Transferee may open a ration bank account.* The transferee may open a ration bank account in the same way as a registered industrial user may open an account.

[Sec. 6.12 added by Am. 58, 9 F.R. 12639, effective 10-23-44]

**SEC. 6.13** *Restrictions on acquisition and use of processed foods by industrial users during the first allotment period of 1945.* (a) An industrial user may not acquire or use more processed foods during the first allotment period of 1945 than the total of the following:

(1) The amount of his allotment for the first allotment period of 1945; and

(2) Any unused advance of points or processed foods obtained before January 1, 1945 under General Ration Order 11.

(b) An industrial user may not acquire any processed foods during the first allotment period of 1945 if he had on hand on January 1, 1945, an amount equal to or greater than the total amount described in paragraph (a). An industrial user also may not acquire processed foods during that period if such acquisition would bring the total of the processed foods he had on hand on January 1,

1945, plus the amount of processed foods he has acquired during the first allotment period, above the total amount described in paragraph (a). (For the purposes of this section, the amount of foods he had on hand on January 1, 1945, includes the amount of any foods in the hands of another person which he transferred to that person or which that person acquired with points transferred by the industrial user in the way permitted by section 6.12 of this order. It does not include the amount of any foods which he acquired in the way permitted by section 6.12 of this order.)

(c) The prohibitions against the acquisition of foods covered by this order contained in paragraphs (a) and (b) shall not apply after March 15, 1945. The prohibitions against the use of foods covered by this order contained in paragraph (a) shall not apply after March 25, 1945.

[Paragraph (c) amended by Am. 76, 10 F.R. 3286, effective 3-26-45]

(d) In addition, an industrial user may acquire and use any processed foods in the way permitted by section 6.12 of this order, but only to the extent that his transferor could acquire and use such foods under this section.

[Paragraph (b) amended and (d) added by Am. 71, 10 F.R., 201, effective 1-3-45]

[Sec. 6.13 added by Am. 70, 9 F.R. 15052, effective 12-26-44]

**SEC. 6.14** *Recapture of surplus ration bank balances, inventories, and points.* (a) The Board (or District Office) with which each industrial user is registered shall, beginning March 16, 1945, for each such user, take the following action:

[Above paragraph amended by Am. 83, 10 F.R. 7928, effective 6-27-45]

(1) Add items (2), (3), (4), (5), (11), and (12) reported under section 6.11 and deduct from the result the total of items (6), (7), (9), and (10) reported under that section, and if he obtained his allotment for the first quarterly period of 1945 between December 15, 1944 and January 1, 1945, the amount of that allotment.

(2) Add the following:

(i) The result obtained by multiplying his total annual base for canned and bottled fruit by 2.7;

(ii) The result obtained by multiplying his total annual base for canned and bottled vegetables appearing on Chart 21 by 5.7;

(iii) The amount of excess inventory, if any, charged against him as of January 1, 1945.

(3) If the result in (1) exceeds the result in (2), the difference shall be charged as excess inventory, in addition to any excess inventory already charged against him.

[Sec. 6.14 added by Am. 75, 10 F.R. 2875, effective 3-16-45]

#### ARTICLE VII—COMBINED OPERATIONS AND COMBINED ESTABLISHMENTS

**SEC. 7.1** *A person who operates different types of establishments is treated as if he were different persons.* (a)

(1) The same "person" may operate different kinds of establishments. He may have, for example, both a "whole-



sale establishment" and a "retail establishment." For the purposes of this order, he is both a "wholesaler" and a "retailer", since he has establishments of both kinds. The provisions of this order dealing with retailers apply to him as far as the operation of his retail establishment is concerned. The operation of his wholesale establishment is regarded as separate and is governed by the provisions dealing with wholesalers. Thus, he is treated as if he were two persons.

(2) This rule also applies to the way in which a person who is both a wholesaler and a retailer must handle the points he gets in connection with his wholesale and his retail establishment. The only points he may use as a retailer are those he gets in connection with his retail establishment. If he "transfers" "processed foods" from his wholesale establishment to his retail establishment, points he has as a retailer must be given up. When those points are given up to his wholesale establishment, they become points he has as a wholesaler. Points he has as a retailer must be kept and handled separately from the points he has as a wholesaler.

(3) The same rules apply to a person who has other types of establishments, such as "processor" or "industrial user establishments".

(b) Where a person has establishments of more than one kind, he must operate them as if each separate kind belonged to a separate person, as far as the provisions of this order are concerned. All dealings between establishments of different kinds operated by the same person are treated just as if those establishments were operated by different persons.

**SEC. 7.2** *The same person may be both a wholesaler or retailer and industrial user at the same place.* (a) A person may keep stocks of processed foods at a place for sale or other transfer and may also use processed foods at that place for the production of some commodity other than processed foods. (For example, he may sell canned peaches at a particular place and may also operate a bakery there and use canned peaches in baking pies.) In a case of this type, the place is treated as two establishments. If processed foods are sold or transferred from there it may be a retail or a wholesale establishment, depending upon the facts. It would also be an industrial user establishment, since processed foods are used there in baking pies for sale.

(b) A place of the type described in the last paragraph must be registered as a retail or wholesale establishment, depending upon which it is. Its sales or transfers of processed foods and its stocks held for sale or transfer must be included in that registration. It must also be registered as an industrial user establishment and its stocks held for such use must be included in the industrial user registration.

**SEC. 7.3** *The same person may be both a wholesaler or retailer and an institutional user at the same place.* (a) If, in the case described in the last section, the person operated a restaurant at that place as well as (or instead of) a bakery,

it would also be an "institutional user establishment". (Restaurants are covered by General Ration Order 5 and are called "institutional users" in that order.) A place of that type must be registered under General Ration Order 5. Its restaurant activities and its stocks of processed foods held for restaurant use must be included in that registration.

**SEC. 7.4** *The same person may be both a processor and a wholesaler or retailer at the same place.* (a) A person may produce or import processed foods at a particular place, for sale or transfer. He may also regularly keep at that place, for sale or transfer, processed foods which he did not produce or import, but which he acquired from someone else. In such a case, that place is a processor establishment, since he produced or imported processed foods there. It may also be a retail or wholesale establishment, depending upon the facts, since he regularly keeps there, for sale or transfer, processed foods which someone else produced or imported. (This does not apply if the place where he keeps, for sale or transfer, processed foods produced or imported by someone else is a processor establishment as to those stocks, under section 3.1 (d) (1). In such a case, the place is not a wholesale or retail establishment.)

(b) A place of the type described in the last paragraph must be registered as a processor establishment. It must also be registered as a wholesale or retail establishment, depending upon which it is. Its production and imports, and its stocks and shipments of processed foods produced or imported there, must be included in the processor report. Stocks which were produced or imported by someone else, and the sales or transfers of those stocks, must be included in the wholesaler or retailer report. (However, stocks of processed foods kept there for producing other processed foods must be included in the processor report.)

**SEC. 7.5** *The same place may be more than one establishment.* (a) The situations described in the last three sections are examples of the rule that the same place may be more than one establishment, depending upon the type of business or operations carried on there. Wherever the operations at a place are such that it is more than one establishment, it is treated just as if each of those establishments were located at a different place.

(b) No place can, however, be both a retail and a wholesale establishment of the same person. Under the definitions of retail and wholesale establishments, the place may be one or the other, but not both.

(c) The word establishment, as it is used in this order, covers the operation at a place, as well as the place itself. Where a person such as a wholesaler or a retailer does not operate from any fixed place, his wholesale or retail operations as a whole are regarded as an establishment. Similarly, if a person who deals in processed foods and makes sales or transfers of them does not actually

keep processed foods at any particular place, his operations as a whole, are regarded as his establishment, and he may register as a wholesaler or a retailer, depending on the class of persons to whom he makes transfers.

#### ARTICLE VIII—RATION BANK ACCOUNTS

**SEC. 8.1** *A ration bank account is an account in which points are deposited.* (a) A ration bank account is a bank account very much like an ordinary checking account. A "person" who opens a ration bank account deposits in it points he receives, and issues checks drawn on it for points he uses. These checks are called ration checks. (The general rules for the opening, closing and use of ration bank accounts are covered by General Ration Order 3A.)

**SEC. 8.2** *Who must open a ration bank account.* (a) *Processors.* Every "processor" must open at least one ration bank account for all his "processor establishments". If he has more than one processor establishment he may open a separate account for each or for any group of them, and he may, if he wishes, open one more account than he has processor establishments.

(b) *Wholesalers.* Every "wholesaler" must open at least one ration bank account for all his "wholesale establishments". If he has more than one wholesale establishment he may open a separate account for each or for any group of them, and he may, if he wishes, open one more account than he has wholesale establishments.

(c) *Retailers.* Every "retailer" whose gross sales of all foods during the month of December 1942, or during any single calendar month since December 1942, were more than \$2,500.00, and every retailer who has more than one "retail establishment", must open at least one ration bank account for all his retail establishments. If he has more than one retail establishment he may open a separate account for each or for any group of them, and he may, if he wishes, open one more account than he has retail establishments. Also, any retailer who receives points ("stamps," "certificates", or endorsed ration checks) from, and makes transfers to, "consumers" by mail must have a ration bank account. Any other retailer may open an account for his retail establishment if he had a processed foods ration bank account on April 16, 1943, or has a ration bank account for any other rationed food. (A bank is not required to open or maintain such accounts; but if it does so, it must open or maintain them for any such retailer who applies.) No other retailer may open an account.

(d) *Industrial users.* (1) Every industrial user who has, or has assigned to him, a quarterly-period use of 2,000 pounds or more of processed foods during any quarterly period from January 1, 1942 on, may open an account. If he has more than one industrial user establishment and they are registered together, he may open an account if the combined use at all those establishments is 2,000 pounds or more during any



quarterly period. If he opens an account, he may either open one account for all, or a separate account for any establishment or for any group of them which used 2,000 pounds or more during any quarterly period, but all must have an account. If they are registered separately, he may open accounts only for those establishments which have a quarterly period use of 2,000 pounds or more. He may open separate accounts for any one or more of those establishments without opening accounts for the others. However, he may not use the same account for more than one establishment. Any industrial user who has opened a ration bank account and who is not entitled to have it under this section, as amended, must close that account on or before January 15, 1944. Such an industrial user who has not reduced his account to zero on or before such date, may draw a check to the Office of Price Administration for the balance in his account, less outstanding checks, and have it certified on or before January 15, 1944. He may exchange such certified check, at his board, for a certificate equal in point value to the amount of the check.

(2) Any industrial user who has more than one establishment and registers those establishments on OPA Form R-1200 in a way different from that in which they were previously registered on OPA Form R-1308 (by registering two or more establishments separately when they were previously registered together) must make the appropriate changes in the designation of the establishments served by any ration bank accounts which he has opened. He shall also close any account that is no longer needed. Where an industrial user changes the establishments which are served by an account and it is necessary that he use some or all of the points in that account for an establishment that will no longer be served by the account, he may issue, on or before January 15, 1944, the necessary checks to withdraw such points from the account, and may deposit them in the account which will serve the establishment for which he wishes to use the points, or if he has no account for such establishment, he may use the checks to obtain processed foods for such establishment. Any industrial user who closes an account under this section may (after notifying the district office in the way provided in General Ration Order 3A) on or before January 15, 1944, draw a check to the Office of Price Administration for the balance in his account, less outstanding checks, and have it certified on or before January 15, 1944. He may exchange such certified check at his board for a certificate equal in point value to the amount of the check.

(e) *Institutional users.* The opening of ration bank accounts by "institutional users" is covered by General Ration Order 5.

(f) *Application for additional accounts.* Any processor, wholesaler, or retailer who wishes to open more ration bank accounts than the number permitted by this section, may apply on OPA Form R-315 to the "Washington Office" for authority to open further ration bank accounts. He must state in

his application all the facts which he claims show his need for additional ration bank accounts.

(g) *Washington Office may open accounts.* The Washington Office of the Office of Price Administration may open one or more ration bank accounts and it may issue ration checks instead of certificates to persons entitled to receive points under the provisions of this order. Wherever this order provides that the Washington Office shall issue a certificate, it may, in its discretion, issue a ration check instead.

(h) *Certain airplane operators.* An airplane operator who has been allowed an operating inventory under section 21.4 of General Ration Order 5 may open one ration bank account for each of his offices at which he regularly purchases processed foods for use as planes' stores.

### SEC. 8.3 Use of ration bank accounts.

(a) Every processor, wholesaler, retailer, or industrial user, who has a ration bank account, must deposit in his account all points he receives, whether in the form of stamps,<sup>7</sup> certificates or ration checks.

[Paragraph (a) amended by Am. 9, 9 F.R. 1908, effective 2-17-44; Am. 18, 9 F.R. 3073, effective 3-20-44; and Am. 64, 9 F.R. 13993, effective 11-27-44]

(b) If an industrial user who has more than one establishment registered together and who has more than one ration bank account for those establishments, overdraws any one of those accounts, he may not draw checks on any of those other accounts except for deposit in the overdrawn account, until he repays the amount of that overdraft.

[Paragraph (b) added and section heading amended by Am. 73, 10 F.R. 1539, effective 2-7-45]

SEC. 8.4 When points must be deposited.—(a) *Stamps.* A person who has a ration bank account may not deposit stamps later than one month and ten days after the last date on which they were good for use by a consumer. (The periods during which particular stamps are good for use by consumers are fixed in the supplement to this order.) If the last day on which the stamps were good for use by a consumer is not the last day of a calendar month, and the next calendar month has a day which corresponds thereto, then a "month", as used in this paragraph, is the period from the last day on which the stamps were good for use by a consumer to and including the corresponding day of the next calendar month; otherwise it is the period from the last day on which the stamps were good for use by a consumer to and including the last day of the next calendar month.

[Paragraph (a) amended by Am. 21, 9 F.R. 3708, effective 5-2-44; and Am. 70, 9 F.R. 15052, effective 12-26-44]

<sup>7</sup>For the purposes of General Ration Order 3A, green and blue stamps in War Ration Book Four, tokens, certificates (Form OPA R-1201) or ration coupons and ration checks are to be regarded as "evidences". That term is not, however, actually used in this order.

[Footnote amended by Am. 9, 9 F.R. 1908, effective 2-17-44]

(b) *Certificates and ration coupons.* Any certificate issued on or after October 13, 1943, may be deposited at any time. Ration coupons may be deposited at any time before February 1, 1945.

[Paragraph (b) amended by Am. 24, 9 F.R. 3944, effective 4-15-44; and Am. 64, 9 F.R. 13983, effective 11-27-44]

(c) *Effect of failure to deposit stamps.* A stamp which was not deposited on time is not good, and may not be used or accepted for any purpose.

[Paragraph (c) amended by Am. 24, 9 F.R. 3944, effective 4-15-44]

(d) *Ration checks.* Ration checks may be deposited at any time.

(e) *Tokens.* Tokens may be deposited at any time in quantities of 250 or multiples thereof in containers provided for that purpose by the Office of Price Administration.

[Paragraph (e) added by Am. 9, 9 F.R. 1908, effective 2-17-44]

SEC. 8.5 Ration bank accounts shall be opened by boards, mailing centers, district offices and the Washington Office. (a) Each board and mailing center which issues certificates under this order and the Washington Office and each district office will on or before December 1, 1944, open a ration bank account. After it has opened a ration bank account, it will, on and after December 1, 1944, issue a ration check instead of a certificate whenever this order permits the issuance of a certificate. In cases where this order permits a board, mailing center, district office or the Washington Office to issue more than one certificate on one application, it may issue as many checks to the applicant as it is permitted to issue certificates.

(b) (1) The ration bank account opened by the Washington Office shall receive periodic credits through credit memoranda issued by the Washington Office as authorized by General Ration Order 3A.

(2) At the time a ration bank account is opened by a board or mailing center and on the first day of each month thereafter the board or mailing center shall draw a ration credit draft on the ration bank account of the district office in the amount of the credits which it estimates will be needed for the monthly period. Such ration credit drafts and all uncertified ration checks received by the board or mailing center shall be endorsed by it and deposited in its ration bank account. When the credit in the ration bank account of a board or mailing center will not be sufficient to cover its needs for the monthly period, it may draw a supplemental ration credit draft for the additional amount needed and deposit it to its account.

(3) At the time a ration bank account is opened by a district office and on the first day of each month thereafter, the district office shall draw a ration credit draft on the ration bank account of the Washington office in the amount of the credits which it estimates will be needed for the monthly period. Such ration credit drafts and all uncertified ration checks received by a district office shall be endorsed by the district office and de-



posited in its ration bank account. When the credit in the ration bank account of a district office will not be sufficient to cover its needs for the monthly period, it may draw a supplemental ration credit draft for the additional amount needed and deposit it to its account.

[Sec. 8.5 added by Am. 64, 9 F.R. 13993, effective 11-27-44]

**SEC. 8.6 Withdrawal of ration banking privileges because of overdrafts on ration bank accounts.** (a) Where a district office is notified by a ration bank that an industrial user has overdrawn his ration bank account, it shall send him a notice in writing. The notice shall be delivered personally or sent by registered mail. The notice shall state:

(1) The amount of the overdraft on the industrial user's ration bank account, as shown by the records of the bank;

(2) That if the account is not overdrawn, the user must satisfy the district office of that fact within five days after receipt of the notice; otherwise, the overdraft will be deemed to be admitted by the user;

(3) That if the account is overdrawn, the user may not draw any checks against the account until he repays the amount of the overdraft in accordance with (4);

(4) That his account will be closed and his ration banking privileges withdrawn unless he repays the amount of all overdrafts on that account before the sixteenth day after the beginning of the allotment period after the one in which he received the notice of the overdraft;

(5) That he must give to the district office, as proof of payment of the overdraft, a duplicate deposit slip showing receipt by the bank of a deposit of points at least equal to the amount of the overdraft.

(b) If an industrial user fails to repay all overdrafts on the account in question within the time specified in the notice, the district office shall instruct the bank to close the user's account. If the user has more than one establishment registered together and has more than one account for those establishments, the district office shall instruct each of the banks where such an account is kept to close it. The district office shall notify the user and his board (if he is registered with a board) of the closing of the account or accounts. The industrial user shall also be notified that he must thereafter give up points for his acquisitions of processed foods at or before the time they are transferred to him, notwithstanding the provisions of section 9.5 (c) (2) and (3) of this order. The board (if he is registered with a board) shall also be notified of the amount of the remaining overdraft on the account at the time it was closed. Upon receipt of such instructions and notices:

(1) The bank shall close the industrial user's account and shall notify the district office of the balance in the account as of the time it was closed;

(2) The user must give up to the district office all ration checks and check books he has;

(3) The district office or board with which the industrial user is registered shall charge the amount of the remaining overdraft to the industrial user as excess inventory.

(c) If an industrial user whose account is overdrawn, after receiving a notice of that fact, draws another check before he satisfies the conditions in paragraph (a) (4), his account shall be closed by the district office in the way described in paragraph (b). If an industrial user who has repaid the amount of an overdraft, after receiving the notice described in paragraph (a), again overdraws the account the district office shall send him a notice in writing (to be delivered personally or by registered mail) of the amount of the overdraft. (If he has more than one establishment registered together and has more than one account for those establishments, the same rule applies whether or not his latter overdraft is on the same account.) If he does not satisfy the district office within five days after receipt of this notice that his account is not overdrawn, the district office shall close the account, and if he has more than one account for a group of establishments registered together, all those accounts, in the way described in paragraph (b).

(d) An industrial user whose ration bank account has been closed pursuant to paragraph (b) or (c) must thereafter give up points for acquisitions of processed foods at or before the time they are transferred to him, notwithstanding the provisions of section 9.5 (c) (2) and (3) of this order. (Nothing in this section shall be construed to prohibit the surrender of points for a transfer of processed foods subsequent to the time at which they are required to be surrendered. However, such late surrender shall not relieve the transferor or the transferee of the consequences of the failure to receive or surrender points at the time required.)

(e) When an industrial user's ration bank account has been closed under this section, the district office may take any steps which it deems reasonably necessary to inform the user's present and prospective suppliers that the account has been closed, so that they will know that his right to use ration checks, and to surrender points after he acquires processed foods, is restricted in the way provided in this section.

(f) Nothing in this section shall be considered to waive or exclude any other action which may be taken by the Office of Price Administration with respect to any violations by any industrial user of this order or Revised General Ration Order 3A.

[Sec. 8.6 added by Am. 73, 10 F.R. 1539, effective 2-7-45]

#### ARTICLE IX—SALES AND TRANSFERS OF PROCESSED FOODS

**SEC. 9.1 No transfers may be made to certain persons between certain dates.**

(a) From February 21, 1943 to February 28, 1943, inclusive, no "person" may sell or "transfer" "processed foods" to a "consumer" regardless of any contract or other agreement. (Certain transactions

between consumers, covered in section 2.2 are excepted from this rule.)

(b) [Revoked]

[Paragraph (b) revoked by Am. 60, 9 F.R. 12971, effective 11-3-44]

**Sec. 9.2 Only certain persons may transfer processed foods.** (a) Beginning November 3, 1944, only "retailers", "wholesalers", or "processors" may sell or transfer processed foods. (Certain transactions between consumers, covered in section 2.3, and certain other transactions, covered in Articles X and XXVI, are excepted from this rule.)

[Paragraph (a) amended by Am. 60, 9 F.R. 12971, effective 11-3-44]

(b) An industrial user who has an excess inventory of processed foods may apply for permission to sell or transfer any part of that excess. The application shall be made on OPA Form R-315 to the board with which he is registered. He must state in his application the kinds, quantities and point value of the processed foods he wishes to sell or transfer, the reason he wishes to sell or transfer them, the way in which they are to be sold or transferred, and any other information that the board requests. The board shall grant the application if good cause is shown. If the application is granted, the processed foods must be sold or transferred for points in the same way that a retailer is permitted to sell or transfer processed foods. However, an industrial user who has been charged with excess inventory pursuant to section 6.6 (f) because he produced processed foods before October 5, 1943, for his own industrial use, and who is also registered as a processor, may transfer to his processor establishment processed foods which he produced before October 5, 1943, and which are still included in his industrial user inventory, at the point value at which those foods were charged against him as industrial user excess inventory, instead of at their current point value. Within five days after the sale or transfer, the transferor must give up to the board all points which he received for the processed foods sold or transferred. The board shall reduce his excess inventory by an amount equal to the number of points given up. An industrial user may also sell or transfer processed foods which are in imminent danger of spoilage, as provided in section 9.11.

[Paragraph (b) amended by Am. 16, 9 F.R. 2791, effective 3-17-44]

(c) Institutional users may sell or transfer processed foods only as permitted in General Ration Order 5, and in section 9.11.

(d) Any person not covered by paragraphs (a), (b) or (c) may apply for permission to sell or transfer processed foods. The application shall be made on OPA Form R-315 to the board for the place where he lives or where he has his principal business office. He must state in his application the kinds, quantities and point value of the processed foods he wishes to sell or transfer, the reason he wishes to sell or transfer them, the way in which they are to be sold or transferred, and any other in-



formation that the board requests. Only one such application may be made by a person on his own behalf or on behalf of the members of his family unit. The board shall grant the application if good cause is shown. If the application is granted, the processed foods must be sold or transferred for points in the same way that a retailer is permitted to sell or transfer processed foods, and within five days after the sale or transfer, the transferor must give up to the board all points which he received for the processed foods sold or transferred.

(e) The limitations or restrictions on acquisitions, transfers, or use of processed foods do not apply to processed foods which have a zero point value at the time of the acquisition, transfer, or use, respectively, except where the provisions of the limitation or restriction are stated to apply to processed foods which have a zero point value.

[Paragraph (e) added by Am. 33, 9 F.R. 5074, effective 5-12-44. Former paragraph (e) revoked by Am. 4, 9 F.R. 848, effective 1-26-44]

SEC. 9.3. *Transfers after February 28, 1943 may be made only for points.* (a) Beginning March 1, 1943, no person may sell or transfer, and no person may buy or "acquire" processed foods, regardless of any contract or other agreement, unless points are given up in the way this order requires. (The word "transfer", as it is defined means to sell, as well as to transfer in other ways. The word "acquire", means to buy as well as to get in other ways. Therefore, the only words which will generally be used, in later sections, are "transfer" and "acquire".)

*The rules covering various kinds of transactions are set forth in the sections which follow.*

SEC. 9.4 *How processed foods are transferred to consumers.* (a) *General.* Processed foods may be transferred to a consumer, and may be acquired by him, only if he gives up to the seller, or transferor, points equal to the point value of the processed foods transferred. (Certain transactions between consumers covered in section 2.3, are excepted from this rule. Certain other exceptions are covered in Article X.)

If the consumer is unable to give up points exactly equal to the point value of the processed foods acquired by him because he does not have stamps, certificates, ration coupons, or ration checks of sufficiently small value to make up the proper amount, he may give up, and the transferor may accept stamps, certificates, ration coupons, or ration checks of the nearest higher value and the transferor must return the excess points to the consumer in the form of tokens.

[Above paragraph added by Am. 9, 9 F.R. 1908, effective 2-17-44; and amended by Am. 86, 9 F.R. 5829, effective 6-2-44]

(b) *How points are given up.* Points may be given up by, and taken from, a consumer only in the form of stamps from his war ration book, a certificate issued for him, and a ration check issued to him and endorsed by him. Points may also be given up in the form of loose one point stamps from February 27, 1944 to

March 20, 1944, inclusive, and in the form of tokens, beginning February 27, 1944.

[Paragraph (b) amended by Am. 9, 9 F.R. 1908, effective 2-17-44]

(c) *When points must be given up.* The seller or transferor must take the points from the consumer at the time when the processed foods are transferred. (Exceptions to this rule are covered in paragraphs (f) and (g) of this section.)

Nothing in this section shall be construed to prohibit the surrender of points for a transfer of processed foods subsequent to the time at which they are required to be surrendered. However, such late surrender shall not relieve the transferor or the transferee of the consequences of the failure to receive or surrender points at the time required.

[Paragraph (c) amended by Am. 48, 9 F.R. 8793, effective 7-25-44]

(d) *When stamps must be detached.* The seller or transferor may accept a stamp only if it is torn out of a war ration book in his presence. Loose stamps may not be used by a consumer and they must not be accepted by the seller or transferor.

However, a transferor may accept loose one point stamps from a consumer from February 27, 1944 to March 20, 1944, inclusive, unless he knows or has reason to believe those stamps were not acquired by the consumer in the way permitted by paragraph (a) of this section. Beginning February 27, 1944, a transferor may also accept tokens from a consumer unless he knows or has reason to believe those tokens were not acquired by the consumer in the way permitted by paragraph (a) of this section.

[Paragraph (d) amended by Am. 9, 9 F.R. 1908, effective 2-17-44]

(e) *When stamps are good.* Each stamp is good only during a certain period, and may be accepted for a transfer to a consumer only during that period. The combination of letter and number printed on the stamps serves to indicate the time when the stamps may be used by consumers. The periods during which stamps in War Ration Book Four may be accepted from a consumer are fixed by the Office of Price Administration in a supplement to this order.

[Paragraph (e) amended by Am. 9, 9 F.R. 1908, effective 2-17-44; Am. 21, 9 F.R. 3708, effective 5-2-44; and Am. 70, 9 F.R. 15052, effective 12-26-44]

(f) *Use of certificates.* A certificate may be accepted from a consumer only if it has been signed on the back by the person for whom it was issued (or by someone authorized to act for him, if he cannot write.) A certificate may be accepted from a consumer at or before the time when the processed foods are transferred.

[Paragraph (f) amended by Am. 24, 9 F.R. 3944, effective 4-15-44]

(g) *Mail order sales.* (1) Processed foods may be transferred to consumers by mail if a certificate, detached stamps, tokens, or a ration check payable to, and endorsed by the consumer, are received with the order. Stamps which are re-

ceived after the last day on which they are good in the hands of the person who sends them may be accepted if the envelope in which they are enclosed is postmarked on or before that date. Stamps which are received after the last day on which they are good in the hands of the person who sends them may be accepted if the envelope in which they are enclosed is postmarked on or before that date.

[Subparagraph (1) amended by Am. 9, 9 F.R. 1908, effective 2-17-44; Am. 24, 9 F.R. 3944, effective 4-15-44; and Am. 70, 9 F.R. 15052, effective 12-26-44]

(2) If the transferor fails to deliver processed foods equal in point value to the points received, he shall issue and send to the consumer a ration check for the balance.

(3) Before accepting stamps or tokens from and making transfers to consumers by mail, any retailer, wholesaler, or processor who wishes to do so must notify, in writing, the district office for the place where his principal business office is located. The notice must give his name and principal business address, the name and address of each establishment from which he will make transfers to consumers by mail, and must contain an estimate of the dollar volume of his mail order deliveries of processed foods to consumers during 1942. He may not make any such transfers until he has given this notice. Beginning March 1, 1943, he must keep a record of the dollar volume or the point value of his transfers of processed foods to consumers by mail.

[Subparagraph (3) amended by Am. 9, 9 F.R. 1908, effective 2-17-44]

(4) No retailer may receive points from and make transfers to consumers by mail unless he has a ration bank account.

(h) *Ration checks.* A ration check may be accepted from a consumer only if it is payable to him and has been endorsed by him (or by someone authorized to act for him, if he cannot write).

(i) *Ration coupons.* A ration coupon may be accepted from a consumer at any time.

(j) *Tokens.* Tokens may be accepted from a consumer at any time beginning February 27, 1944.

[Paragraph (j) added by Am. 9, 9 F.R. 1908, effective 2-17-44]

SEC. 9.5. *How processed foods are transferred to persons other than consumers—(a) General.* Processed foods may be transferred to and acquired by a retailer, wholesaler, or a processor, or an industrial user or institutional user only if he gives up to the seller, or transferor, points equal to the point value of the processed foods transferred. (Certain exceptions to this rule are covered in Article X.)

(b) *Point value.* The number of points which must be given up for a transfer of processed foods is determined

\* For convenience, the retailer, wholesaler, processor, or industrial or institutional user, to whom the transfer is made, will sometimes be called "the transferee", in the paragraphs which follow.



by their point value at the time of the transfer except as provided in section 9.2 (b). Where foods ordered by a transferee are delivered by the transferor to a common or contract carrier for shipment and delivery by the carrier or a connecting common carrier to the transferee (whether or not actually consigned to the transferee), and no transfer of the foods to the transferee has previously occurred, their point value at the time when they are delivered to the carrier determines the number of points which must be given up.

[Paragraph (b) amended by Am. 16, 9 F.R. 2791, effective 3-17-44; and Am. 45, 9 F.R. 7344, effective 7-1-44]

(c) *When points must be given up.*

(1) The transferor must get the points from the transferee, and the transferee must give them up, at or before the time when the transfer is made. Where foods ordered by a transferee are delivered by the transferor to a common or contract carrier for shipment and delivery by the carrier or a connecting common carrier to the transferee (whether or not actually consigned to the transferee), and no transfer of the foods to the transferee has previously occurred, the foods are considered to be transferred at the time when they are delivered to the carrier. Exceptions to the rule, that points must be given up at or before the transfer is made, are stated in the next two subparagraphs.

[Subparagraph (1) amended by Am. 45, 9 F.R. 7344, effective 7-1-44]

(2) If the transfer is made through shipment by railroad or any other public carrier, the transferor may arrange to have the carrier get the points for him from the transferee at the time of actual delivery, or to have the points obtained for him by anyone in exchange for the bill of lading or other document entitling its holder to take possession of the processed foods.

(3) The points may be given up later, but not more than ten days after the time when the transfer is made, if the conditions of this subparagraph are satisfied. (However, if money payment for the foods transferred is made less than 10 days after the transfer, points must be given up at the time the money payment is made.) A transferee may not accept the transfer in this case unless he has points on hand (excluding points not yet surrendered for processed foods bought or acquired) or in his ration bank account (excluding the amounts of ration checks issued which have not yet been cleared) equal to the point value of the processed foods transferred. The transferor must, at or before the time he transfers the processed foods to the transferee, prepare and keep a memorandum showing the name of the transferee, the date of transfer of the processed foods, a description of the items, and their point value. If the transferor does not get the points within the time required by this subparagraph, he must notify the district office for the place where his establishment is located of the default, not later than the Friday follow-

ing the calendar week in which the default occurred.

As long as the transferee is in default, he must not acquire any processed foods and no transferor who has knowledge of the default may transfer such foods to him. (However, he may continue to acquire processed foods and transferors may continue to transfer such foods to him, pursuant to Article X.) If the District Director is satisfied that the transferee is in default, he may take any steps which he deems reasonably necessary to inform the transferee's present and prospective suppliers of the default so that they will know that his right to acquire processed foods is restricted as provided in this subparagraph. When the transferee is no longer in default, the District Director shall so inform all persons whom he informed of the default.

[Subparagraph (3) amended by Am. 7, 9 F.R. 1727, effective 2-18-44]

(4) Points which are mailed are considered given up when the envelope containing them is postmarked.

(5) Nothing in this section shall be construed to prohibit the surrender of points for a transfer of processed foods subsequent to the time at which they are required to be surrendered. However, such late surrender shall not relieve the transferor or the transferee of the consequences of the failure to receive or surrender points at the time required.

[Subparagraph (5) added by Am. 48, 9 F.R. 8798, effective 7-25-44]

(d) *Form in which transferor must get points.* The transferor may take points from the transferee only in the form of stamps, tokens, certificates, or a ration check drawn on the transferee's ration bank account or endorsed by him.

[Above paragraph amended by Am. 9, 9 F.R. 1908, effective 2-17-44]

(1) *Stamps.* No stamp may be accepted from the transferee more than one month after the last day on which the stamps were good for use by a consumer. If the last day on which the stamps were good for use by a consumer is not the last day of a calendar month and the next calendar month has a day which corresponds thereto, then a "month", as used in this subparagraph, is the period from the last day on which the stamps were good for use by a consumer to and including the corresponding day of the next calendar month; otherwise it is the period from the last day on which the stamps were good for use by a consumer to and including the last day of the next calendar month. The stamps must either be pasted on gummed sheets (OPA Form R-140 or OPA Form R-120A) or enclosed in sealed envelopes. If the stamps are pasted on gummed sheets, the name and address of the transferee must be written on each sheet, and only stamps of the same point value, and valid for a transfer to the transferee at the time they are given up, may be pasted on the same sheet. If the stamps are enclosed in sealed envelopes, they must be handled in all respects in accordance with the procedure

described in General Ration Order 7 for the use of such envelope.

[Subparagraph (1) amended by Am. 9, 9 F.R. 1908, effective 2-17-44; Am. 21, 9 F.R. 3708, effective 5-2-44; and Am. 70, 9 F.R. 15052, effective 12-26-44]

(2) *Certificates.* A certificate may not be accepted from the transferee unless the name of the person to whom it was issued has been written on the back. The back of the certificate must also carry the signature of the transferee.

[Subparagraph (2) amended by Am. 24, 9 F.R. 3944, effective 4-15-44]

(3) *Ration checks.* A ration check may be accepted by a transferor only if it is made payable to him and if it is drawn by his transferee, or if it is endorsed by his transferee and by the person to whom the check was issued, if the check was not issued to the transferee. (The rules for handling ration checks are set forth in General Ration Order 3A.)

(4) *Ration coupons.* A ration coupon may be accepted at any time. A person who has a ration bank account must enclose any ration coupons he has, for deposit, in sealed envelopes which are to be handled in all respects in accordance with the procedure described in General Ration Order 7 for the use of such envelopes. A person who does not have a ration bank account may use ration coupons without enclosing them in a sealed envelope.

(5) *Tokens.* Tokens may be accepted at any time, but a transferor need not accept more than 9 tokens from his transferee in any one transaction.

[Subparagraph (5) added by Am. 9, 9 F.R. 1908, effective 2-17-44]

(e) *Form in which transferee must give up points—(1) Wholesalers and processors.* A wholesaler or a processor must give up points only in the form of a ration check drawn on his ration bank account.

(2) *Retailers.* A retailer who is required to have a ration bank account must give up points only in the form of a ration check drawn on that account. Other retailers may give up points only in the form of stamps, tokens, certificates, or ration checks endorsed by them.

[Subparagraph (2) amended by Am. 9, 9 F.R. 1908, effective 2-17-44]

(3) *Industrial and institutional users.* An industrial or institutional user who has a ration bank account must give up points only in the form of a ration check drawn on that account. Any other industrial or institutional user may give up points only in the form of certificates or ration checks endorsed by him.

(4) *General.* Points may be transferred freely between establishments of the same type operated by the same person, which are or may be registered together, and points of one of those establishments may be used to get processed foods for another of them. However this rule does not apply to the movement

\* F.R. 2858, 2997, 4846, 6965, 11738, 16279, 16838; 9 F.R. 2287, 5216, 7704, 9163, 10578, 15047; 10 F.R. 318.



of points between institutional user establishments, which is covered by the provisions of General Ration Order 5.

(f) *Transfers to retailers during March 1943.* A retailer, wholesaler or processor who transfers processed foods to a retailer during March 1943, must prepare and give to the retailer a written statement (in any convenient form) showing the name and address of both the transferor and transferee, the date of the transfer, and the number of points given up by the transferee. The transferor must keep a copy of the statement at his principal business office.

SEC. 9.6 *Transfers between establishments of different types or between separately registered establishments of the same type operated by the same person.* (a) All of the rules set forth above which apply to transfers from one person to another, also apply to transfers between establishments of different types operated by the same person. (For example, a person may have both a wholesale and a retail establishment. He is, therefore, both a wholesaler and a retailer. He is permitted to transfer processed foods from his wholesale to his retail establishment. However, when he does so, he must give up points from the retail to the wholesale establishment just as if those establishments were operated by two different persons.)

(b) The rules set forth above which apply to transfers from one person to another also apply to transfers between establishments of the same type which are operated by the same person but which are registered separately under this order.

SEC. 9.7 *Transferor may not use points he receives in advance until processed foods are transferred.* (a) A transferor may receive points from his transferee before he actually transfers the processed foods. In that case, he may not use points so received, to get other processed foods, until he has actually transferred to the transferee processed foods worth that number of points.

SEC. 9.8 *Points may be returned for underdeliveries of processed foods.* (a) If a retailer, wholesaler, processor, country shipper, or grower receives points in advance for a transfer of processed foods, and is unable to transfer all or any part of the amount ordered, he may return the points in excess. He must return the points in the same form he would use to give up points for a purchase or other acquisition of processed foods. (For example, a wholesaler can give up points only in the form of a ration check. He would, therefore, deposit all the points received by him, and draw a check for any amount to be returned. However, this section does not apply to consumers, except in connection with mail order transactions.)

SEC. 9.9 *Points must be given up for imports of foods.* (a) Any person (other than persons importing processed foods in accordance with section 10.10) who imports processed foods must give up points to the Collector of Customs (or his deputy) at or before the time the foods are released or delivered to him by the Collector.

(b) The Collector of Customs shall turn over each month, to the district office for the area in which the point of entry is located, all points received by him in his way during the preceding month. However, he may retain enough tokens for use in returning excess points to consumers pursuant to section 2.4 (c). He may also retain enough stamps and certificates to acquire tokens for such use.

[Paragraph (b) amended by Am. 18, 9 F.R. 3073, effective 3-20-44]

#### SEC. 9.10 [Revoked]

[Sec. 9.10 amended by Am. 25, 9 F.R. 4026, effective 4-18-44; revoked by Am. 54, 9 F.R. 11538, effective 9-17-44]

SEC. 9.11 *Sale at lower point values of foods in danger of spoilage—(a) Permitted sales and transfers.* Processed foods which cannot be sold at their full point value because they are in imminent danger of spoilage may be sold or transferred at less than their full point value in the way described in this paragraph, if and to the extent authorized under paragraphs (b) and (c). Such sales or transfers may be made only to consumers, industrial or institutional users, and persons principally engaged in the business of reconditioning or selling damaged articles, and only if the money price is reduced in the following way:

(1) No reduction in point value may be made unless the money price of the food has been reduced at least twenty-five per cent below its ceiling price established by applicable orders of the Office of Price Administration;

(2) If the money price has been reduced by at least twenty-five per cent below such ceiling price, it may be sold or transferred at twenty-five per cent below its full point value;

(3) If the money price has been reduced more than twenty-five per cent and less than fifty per cent below such ceiling price, it may be sold or transferred at a point value reduced in the same proportion that the money price has been reduced; and

(4) If the money price has been reduced by fifty per cent or more below such ceiling price, it may be sold or transferred point-free.

However, if the point value of any item of processed foods sold or transferred under this section (or any group of such items sold or transferred under this section at the same time) comes out to a number other than zero, ten, or a multiple of ten, the point value (other than zero) at which it may be sold or transferred is the next higher number which is ten or a multiple of ten. For the purposes of this paragraph, the ceiling price of a person principally engaged in the business of reconditioning or selling damaged articles, is deemed to be the average ceiling price of the same food in good condition applicable to the three wholesalers whose establishments are nearest to the place where such foods are located, as determined by the District Office in accordance with the provisions of paragraph (b). The ceiling price of the United States Government or any of its agencies will be fixed by the Wash-

ington Office in accordance with the provisions of paragraph (b).

[Above paragraph amended by Am. 63, 9 F.R. 13849, effective 11-22-44]

(b) *Application for authorization to sell or transfer.* A person who wishes to sell or transfer processed foods in the way set forth in paragraph (a), may apply for authorization. However, no application may be made by a consumer. Application must be made on OPA Form R-315 to the District Office (or, if made by a retailer, to the board) for the area where the processed foods are located. However, application by the United States Government or any of its agencies shall be made to the Washington Office. The application must show:

(1) The applicant's name and address;

(2) The items and amounts of processed foods which the applicant desires to transfer at less than their full point value;

(3) The point value of each item;

(4) The ceiling price established for each item by applicable orders of the Office of Price Administration. However, if the applicant is a person principally engaged in the business of reconditioning or selling damaged articles, the applicant shall, instead of stating a ceiling price, give the names and addresses of the three wholesalers whose establishments are nearest to the place where such foods are located;

(5) A description of the condition of the food, to show why it cannot be disposed of at its full point value and, if known, the cause of such condition.

The board or District Office to which the application is made or the Washington Office, if the application is made by the United States government or any of its agencies, may inspect such processed foods and conduct such other investigation as it finds necessary to pass upon the application. If it finds that the foods described in the application are in such condition that they should be used immediately in order to avoid spoilage, it may grant the application and authorize the applicant to sell or transfer the foods at less than their full point value, in the way described in paragraph (a). (If the Washington Office grants an application made by the United States government or any of its agencies, it will fix a ceiling price for the purposes of paragraph (a). If the board or District Office grants the application of a person principally engaged in the business of reconditioning or selling damaged articles, it shall determine the average ceiling price of the same food in good condition applicable to the three wholesalers whose establishments are nearest to the place where such foods are located. In either case, the applicant shall be notified of the ceiling price which has been fixed or determined.) The applicant must make and keep a record of each item of processed foods transferred by him pursuant to the authorization, showing the point value and price at which each transfer was made and the date of each transfer.

(c) *Sales or transfers for which no prior authorization is needed.* Any processor, wholesaler, retailer, industrial user



or institutional user may, without prior authorization, sell or transfer processed foods which are in imminent danger of spoilage under the conditions set forth in paragraph (a), but not more than the total quantities set forth in the following subparagraphs during the periods referred to in those subparagraphs:

[Above paragraph amended by Am. 60, 9 F.R. 12971, effective 11-3-44]

(1) In the case of a processor, during any successive twelve month period beginning March 1, 1943, one tenth of one per cent of all processed foods produced or imported by him during that period.

(2) [Revoked.]

[Subparagraph (2) revoked by Am. 60, 9 F.R. 12971, effective 11-3-44]

(3) In the case of a wholesaler, in any one reporting period, one twentieth of one per cent of the amount of processed foods which he sold or transferred during the preceding reporting period;

(4) In the case of a retailer, in any one month, one fortieth of one percent of his allowable inventory;

(5) In the case of an industrial user or an institutional user, in any one allotment period, one fortieth of one percent of his allotment for that allotment period.

(d) *Resale of foods acquired under this section.* Any person who acquires processed foods under the provisions of this section and who is permitted to transfer processed foods under the provisions of section 9.2 may not transfer them at a point value greater than that at which they were acquired by him. He may transfer them at a lower point value only if authorized under paragraphs (b) or (c). If he transfers them at the same point value at which he acquires them, the provisions of paragraph (a) covering price reductions do not apply to the transfer of those foods by him. However, he may transfer any such foods only to a consumer, industrial or institutional user, or a person principally engaged in the business of reconditioning or selling damaged articles.

(e) *Records and reports.* (1) Any person who transfers processed foods under the provisions of paragraph (c) of this section shall maintain and keep records showing, with respect to each such transfer, the following:

(i) His name and address;

(ii) The name and address of any person, other than a consumer, to whom the transfer was made;

(iii) The date of the transfer;

(iv) The items and amounts of processed foods transferred and the price and point value for which each item was transferred;

(v) A description of the condition of the foods, to show why they could not be sold or transferred at their full point value and, if known, the cause of such condition.

(2) Any person who transfers processed foods under the provisions of paragraph (d) at the same point value at which he acquired them and any person who transfers frozen processed foods

under the provisions of paragraph (c) must, within three days after the transfer, give a statement to the District Office for the area where his principal place of business is located. However, if the transfer was made by the United States Government or any of its agencies, the statement shall be given to the Washington Office. The statement shall show the name and address of the transferor, the items and amounts of processed foods transferred, the point value and price at which they were transferred and the date of transfer.

(3) Any person principally engaged in the business of reconditioning or selling damaged articles, who acquires processed foods under this section at less than their full point value, must, within five days after the end of each calendar month during which he acquired those foods in this way, give to the District Office for the area where his principal place of business is located a statement showing his name and address, the name and address of the person from whom he acquired them, the items and amounts of processed foods acquired, the point value at which they were acquired and the date of the acquisition.

(f) *Miscellaneous requirements.* Any person who transfers processed foods at a reduced point value under this section must also comply with the following requirements:

(1) Whenever he sells or transfers an item of processed food at less than its full point value and at a reduced price, he must sell or transfer that item, so long as he has it on hand, to any person who is willing to buy or acquire it at that reduced point value and price.

(2) If he is a retailer, wholesaler, or processor who has an establishment at which processed foods which he carries are displayed to consumers he must post a notice where it may be clearly seen and read by such consumers showing:

[Subparagraph (2) amended by Am. 60, 9 F.R. 12971, effective 11-3-44]

(i) The items he is selling at the lower point value and the point value at which he is selling them;

(ii) That he is selling that item at less than regular point value in order to prevent spoilage;

(iii) The reduced money price at which he is selling the item and, unless he is principally engaged in the business of reconditioning or selling damaged articles, its ceiling price. If he is a person engaged in the business of reconditioning or selling damaged articles, he must post as his ceiling price the average ceiling price of the same food in good condition applicable to the three wholesalers whose establishments are nearest to the place where such foods are located, as determined by the board or District Office to which application is made under paragraph (b).

(3) He must clearly mark on the container of each item sold the point value at which he transfers it, preceded by the words "reduced point value to avoid spoilage," unless it has previously been marked in that manner pursuant to this paragraph and is not being transferred at a further reduction in point value.

However, he need not so mark the container if he sells it to a consumer from an establishment at which he posts a notice as required by subparagraph (2). Furthermore, the container need not be so marked if it is sold or transferred by the United States Government or any of its agencies.

(g) *Replacement of points.* A wholesaler, retailer or industrial or institutional user who sold or transferred processed foods at less than their regular point value under paragraph (b) may apply on OPA Form R-315, for a certificate to replace his point losses resulting from such transfers. The application must be made to the District Office, or the board, to which he applied for authorization to transfer the foods at a reduced point value. The application must be signed by the applicant or his authorized agent. It must show the name and address of the applicant, the items and amounts of foods so transferred, the point value and price at which they were transferred, the date of transfer, and the name and address of each transferee other than a consumer. It must contain a statement that he reduced the money price of the food sold or transferred at the lower point value, in the way required by this section. The application must also specify the date on which the authorization to sell such foods at less than full point value was granted. If the District Office or board finds that the applicant suffered a point loss because of such transfer, it shall issue a certificate for the number of points he lost. No application to replace point losses may be made more than 30 days after the close of the month in which the transfers at reduced point value occurred.

(h) *Statements by processors.* A processor who during any reporting period sells or transfers processed foods at less than their full point value, under paragraphs (b) or (c), must file with his periodic report, required by section 3.2 (b), or section 24.2 (b), for that period a statement showing the items and amounts of foods so transferred, the point value and price at which they were transferred, the date of transfer and the name and address of each transferee other than a consumer. If the sale or transfer was made pursuant to an authorization granted by a District Office, the statement must specify the date on which the authorization was granted and the District Office which granted it.

[Paragraph (h) amended by Am. 60, 9 F.R. 12971, effective 11-3-44]

(i) *Sales by certain activities of Army, Navy, Marine Corps or Coast Guard.* The Army, Navy, Marine Corps or Coast Guard may, in accordance with arrangements made with the Washington Office, authorize army exchanges, post exchanges, ships' service departments ashore, sales commissaries and commissary stores to sell, at less than their full point value, processed foods which cannot be sold at their full point value because they are in imminent danger of spoilage.

[Paragraph (i) added by Am. 29, 9 F.R. 4818, effective 5-9-44]



## ARTICLE X—POINT FREE TRANSFERS

NOTE: The limitations, restrictions, conditions, record-keeping and reporting requirements set forth in this Article X do not apply to processed foods while they have a zero point value. For the purposes of this article, such foods are treated, and may be transferred or acquired, just as if they were not rationed at all.

[Article title amended by Am. 38, 9 F.R. 6235, effective 6-10-44]

SEC. 10.1 *Processed foods in transit prior to effective date of rationing, may be acquired point-free.* (a) No points need be given up for a delivery of "processed foods" to a "person" other than a "consumer", if those processed foods were in transit to him on February 28, 1943.

(NOTE: Processed foods which were in transit to a "processor", or an "industrial" or "institutional user" at the close of business on February 28, 1943, must be included in the inventory which he reports in his registration.)

(b) No points need be given up for a delivery to any person other than a consumer, of an item which is added to the list of processed foods, if the item was in transit to him on the day preceding such addition.

(c) No points need be given up for a "transfer" of processed foods having a zero point value at the time of the transfer.

SEC. 10.2 *Processed foods may be exchanged for other processed foods.* (a) Any person may exchange processed foods with any other person for processed foods of equal point value, without giving up or taking points. (This rule applies even if there is a money payment to make up any difference in the money value of the processed foods exchanged.)

[Paragraph (a) amended by Am. 54, 9 F.R. 11538, effective 9-17-44]

SEC. 10.3 *Lost or stolen processed foods may be returned, point-free.* (a) No points need be given up for a return of lost or stolen processed foods to the person who lost them or from whom they were stolen.

SEC. 10.4 *Stocks of processed foods may be moved point-free between establishments of the same person which are registered together.* (a) No points need be given up when a person moves stocks of processed foods from one of his establishments to another of his establishments of the same kind, if those establishments are registered together. For example, a person who has two "retail establishments" may move processed foods from one to the other, without exchanging points between them. (However, a record must be kept of the amount of stocks involved in each such movement.) When a person transfers processed foods between establishments of different kinds—for example, from his "wholesale establishment" to his retail establishment—points must be given up just as if those establishments were operated by different persons.

[Paragraph (a) amended by Am. 12, 9 F.R. 2240, effective 3-1-44]

(b) This rule does not apply to the movement of stocks between "institu-

tional user establishments", which is covered by the provisions of General Ration Order 5.

SEC. 10.5 *Processed foods may be stored and returned from storage, point-free.* (a) No points need be given up for a delivery of processed foods for storage purposes only.

(b) No points need be given up for a delivery of processed foods from the place of storage to the person who stored them, or to a person to whom he has sold or transferred them. (However, that sale or transfer must be made in a way permitted by this order.)

SEC. 10.6 *Security interests in processed foods may be created and released, point-free.* (a) No points need be given up for a transfer of processed foods, or of any interest in them, for security purposes only. (For example, if processed foods are pledged or mortgaged the person with whom they are pledged or mortgaged need not give up points.)

(b) No points need be given up for a release of a security interest in processed foods, or for a return of those foods to the person who originally transferred them for security purposes. (For example, a person who pledged processed foods may get them back without giving up points. Similarly, a person who gave a chattel mortgage on his processed foods need not give up points when the mortgage is ended.)

SEC. 10.7 *Processed foods may be transferred, point-free, for liquidation, by operation of law, or in judicial proceedings—(a) General.* No points need be given up for a transfer of processed foods to a person who gets them for liquidation only. Also, no points need be given up for a transfer of processed foods as part of a judicial proceeding, or by operation of law, or for a transfer made under the direction of or pursuant to an order of a court, or by judicial process.<sup>10</sup> (For example, processed foods may be taken over by a creditor, under a court order, without any surrender of points. If processed foods are assigned for the benefit of creditors, the person to whom they are assigned need not give up points to the person making the assignment. Also, a person need not give up points when he inherits processed foods or "acquires" them by will.)

(b) *How transferee may dispose of the processed foods.* A person who acquires processed foods in this way must within five days after acquiring them, report to the district office for the place where his principal business office is located:

(1) The kinds and the point value of the processed foods acquired;

(2) The name and address of the person from whom they were acquired;

(3) The way in which and the date when they were acquired. He may not use the processed foods unless he gives up to the district office, for cancellation, points equal to their point value. He may, however, sell or transfer them in the same way that a "retailer" is permitted to sell or transfer processed

<sup>10</sup> A "wholesaler" may acquire processed foods in this way even if his actual inventory is or would become larger than his maximum allowable inventory.

foods. He must immediately after selling or transferring them, account to the district office for points equal to their point value. (If he transfers the foods to any other person who is also entitled under this or any other section of this order to acquire them point-free he need not, of course, get points from the transferee, and he need not give up any to the district office.)

(c) *Consumer inheritance.* A consumer who gets processed foods from another consumer, by inheritance or by will, may use them without giving up points.

SEC. 10.8 *Processed foods may be acquired, point-free, by insurers or for salvage—(a) Acquisition of damaged processed foods.* Damaged processed foods, and undamaged processed foods mingled with them, may be transferred to, and acquired by, the following persons, without any surrender of points:

(1) A person who has paid or is liable for a claim for the damage done to the foods, and who is entitled to reimburse himself by taking them over;

(2) A person engaged principally and primarily in the business of adjusting losses or of reconditioning or selling damaged articles.

[Subparagraph (2) amended by Am. 39, 9 F.R. 6647, effective 7-2-44]

(b) *Disposal of the processed foods.*

(1) The person transferring the processed foods, point-free, must within five days after transferring them, report to the district office for the place where his principal business office is located:

(i) A description of the kinds and amounts of processed foods transferred. (If the condition of the foods makes it impossible for the transferor to describe them accurately, he may give an approximate description and state that the description is an approximation);

(ii) The name and address of the person to whom they were transferred; and

(iii) The date of transfer.

(2) The person acquiring the processed foods must, within five days after acquiring them, report to the district office for the place where his principal business office is located.

(i) The kinds and point value of the processed foods acquired;

(ii) The name and address of the person from whom he acquired them;

(iii) The way in which and the date when they were acquired. If he cannot ascertain the kinds and point value immediately, he must describe the approximate amount he received and must give the detailed information as soon as he can. He may dispose of those processed foods only by a sale or transfer in the same way that a retailer is permitted to sell or transfer processed foods. He must immediately after selling or transferring them, account to the district office for points equal to their point value. If he cannot dispose of them all, he must report to the district office the amount which was not salable.

[Subparagraph (1) added; undesignated paragraph of (b) preceding (1) and subparagraphs (1), (2) and (3) redesignated (2), (1), (ii) and (iii) respectively by Am. 15, 9 F.R. 2567, effective 3-10-44]



**SEC. 10.9 Processed foods may be transferred to prospective buyers for sampling, point-free and may be used for sampling and demonstration.** (a) A processor may deliver processed foods to prospective buyers (other than consumers) for sampling, without getting points. However, he may not deliver in this way more than one-fortieth of one percent of the total amount of processed foods produced or imported by him.

(b) A retailer or wholesaler, who acquires processed foods from a processor may sample some of them in order to check grades and quality, and may use some of them to demonstrate them to prospective purchasers other than consumers. However, he may not use for this purpose more than one-tenth of one percent of the total amount of processed foods acquired by him. A wholesaler shall attach to his periodic report to the Washington Office on OPA Form R-1310 a statement accounting for the amount of processed foods used by him for sampling or demonstration to prospective purchasers.

[Paragraphs (a) and (b) amended by Am. 60, 9 F.R. 12971, effective 11-3-44]

**SEC. 10.10 Processed foods may be delivered point-free to certain persons—** (a) *Point-free delivery to processors.* No points need be given up for a transfer of processed foods by an authorized customs official to a processor if the processor gives his signed statement to the official showing:

- (1) His name;
- (2) His principal business address;
- (3) His processor registration number;
- (4) The address of the establishment at which the foods are to be kept for sale or transfer or for his own use in making other processed foods; and
- (5) The amount and kind of processed foods imported at the time.

(b) [Revoked.]

[Paragraph (b) revoked by Am. 54, 9 F.R. 11538, effective 9-17-44]

(c) *Collector of Customs to send statements to Washington Office.* After the close of each month the Collector of Customs shall deliver all processors' statements received during that month to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C.

[Paragraph (c) amended by Am. 60, 9 F.R. 12971, effective 11-3-44]

(d) *Point-free delivery to representatives of foreign governments, prisoners of war, internees and others.* No points need be given up for a transfer of processed foods by an authorized customs official:

(1) Upon request by the Department of State, to representatives of foreign governments who are within the classes of persons specified in Article 432 (a) or Article 433 (c), Customs Regulations of 1937;

(2) To members of the armed forces of the United Nations, other than those of the United States, who are on duty within the United States, where the processed foods are consigned or addressed to them and are intended for their personal or official use;

(3) To enemy prisoners of war and enemy civilian internees and detainees in the United States, where the processed foods are consigned or addressed to them.

(e) *Point-free delivery to home processors.* No points need be given up for a transfer of home processed foods by an authorized customs official to the person who produced them in a way described in Article XXVI, if the person gives his signed statement to the official showing:

- (1) His name and address;
- (2) The place where the home processed foods were produced;
- (3) The amount and kinds of home processed foods being imported;
- (4) A statement showing that he produced the home processed foods in a way described in Article XXVI.

The Collector of Customs shall turn over, each month, to the district office for the area in which the point of entry is located, all statements received by him in this way during the preceding month.

**SEC. 10.11 Processed foods may be transferred, point-free, in connection with transfer of a business.** (a) No points need be given up for a sale or transfer of processed foods in the inventory of an establishment, as part of a sale or other transfer of the establishment itself for continued operation. A person who so buys or acquires processed foods may not use them, but may hold them only for sale or transfer. However, a person who acquires an industrial user establishment may use its stocks up to the amount of any allotment he gets. (The procedure which the transferor and transferee must follow, where an establishment is transferred for continued operation, is covered in Article XI.)

**SEC. 10.12 Processors may transfer point-free to allow for spoilage.** (a) In any case in which a processor makes a money allowance to his transferee to cover spoilage of the processed foods transferred, he may, in order to allow for spoilage, transfer to his transferee, without receiving points, processed foods in an amount not exceeding the same percentage of the total amount transferred that the money allowance made is of the total price paid. However, such transfer may not, in any event, exceed one-fourth of one percent of the total amount transferred.

(b) If the actual spoilage of processed foods transferred by a processor exceeds one-fourth of one percent, the transferee may return the spoiled foods to the processor and receive points for the difference between the amount spoiled and any allowance already made. However, if he does not return the spoiled processed foods, he may receive points for that difference only if and to the extent that the processor makes a money adjustment for the spoiled processed foods.

(c) The processor must keep a record of the name and address of each person to whom such point-free transfers and point returns are made, the dates thereof, and the amounts of such transfers and returns.

SEC. 10.13 [Revoked.]

SEC. 10.14 [Revoked.]

SEC. 10.15 [Revoked.]

SEC. 10.16 [Revoked.]

SEC. 10.17 [Revoked.]

[Secs. 10.13-10.17 revoked by Am. 54, 9 F.R. 11538, effective 9-17-44]

**SEC. 10.18 Title to foods may be transferred point-free where the one who has title does not have possession.** (a) A person who has title to processed foods but who does not have possession of them and who may not get possession of them without giving up points, may transfer his title to such foods point-free. (However, a person who acquires title to processed foods in a way permitted by this section must give up points to obtain possession of such foods.)

SEC. 10.19 [Revoked.]

[Sec. 10.19 revoked by Am. 54, 9 F.R. 11538, effective 9-17-44]

**SEC. 10.20 Government agencies may transfer processed foods point-free to the Procurement Division of the Treasury Department.** (a) No points need be given up for a transfer of processed foods by a government agency to the Procurement Division of the Treasury Department when the processed foods are acquired by the Procurement Division for sale or transfer.

(b) The Procurement Division of the Treasury Department may dispose of those processed foods only by a sale or transfer in the same way that a retailer is permitted to sell or transfer processed foods. (However, for that purpose, the Procurement Division need not register as a retailer.) Not later than the twentieth day following the month in which any transfer is made, the Procurement Division shall account to the Office of Price Administration for points equal to the point value of the processed foods sold or transferred under this paragraph.

[Sec. 10.20 added by Am. 11, 9 F.R. 2234, effective 2-29-44]

#### ARTICLE XI—SALE OF BUSINESS

**SEC. 11.1 Sale or transfer of retail, wholesale, or processor establishment—**

(a) *General.* (1) When any "person" sells or "transfers" to any other person the business and inventory of his "retail", "wholesale" or "processor establishment", for continued operation, they must both notify the "board" at which the establishment is registered or the "Washington Office", if it is registered there. The notice must be given in writing, within five (5) days after the sale or transfer, and must show:

(i) The name and business address of the establishment and of the persons transferring and "acquiring" it;

(ii) The point value of the inventory transferred; and

(iii) The number of points in the establishment's ration bank account, if any, and the number of points on hand, including points sent to a supplier for "processed foods" not yet shipped.

This notice will be treated as the transferee's registration and as a cancellation of the transferor's registration.

(2) If the transferor has a ration bank account, he must notify the district office, in the way required by General Ra-



tion Order 3A (the ration banking order).

(b) *Purchaser of retail or wholesale establishments may get its points.* The purchaser or transferee of a retail or wholesale establishment may get and use all of the establishment's points in the same way that the seller or transferor was entitled to use them. (If it is a wholesale establishment, however, he may not use those points to exceed its maximum allowable inventory, except as permitted by section 4.7 (a).) If the establishment has a ration bank account, the transferor is to give all the establishment's points to the transferee by issuing a ration check. If the establishment does not have a ration bank account, the transferor is to give to the transferee the "stamps", "tokens" and "certificates" he has and to endorse and give to the transferee any ration checks he has. (If the transferee is required to have a ration bank account he must deposit all the points in that account. If the transferee is not required to have a ration bank account, he may endorse the checks and use them to get processed foods.)

[Paragraph (b) amended by Am. 9, 9 F.R. 1908, effective 2-17-44]

(c) *Seller of processor establishment must give up all points to the Office of Price Administration.* A person who sells or transfers a processor establishment must, within five (5) days after the transfer, turn over to the Washington Office, all points on hand at that establishment and all in its ration bank account. He does so by issuing and sending his certified ration check, payable to the Office of Price Administration, along with his notice of the transfer. (If any of the points represent processed foods not yet shipped, he must attach to his notice a statement showing the amount and the person from whom he got them.)

(d) *Same rules apply to sale of an entire chain.* The rules set forth above also apply to a person who has more than one establishment of a particular kind and who sells or transfers all of them for continued operation. He must give the information, and give up or transfer the points for all the establishments.

(e) *Sale of part of a chain.* Where the seller or transferor also has other establishments of the same kind which are not sold or transferred, the procedure described in paragraph (a) of this section must be followed. However, while the purchaser or transferee may acquire the processed foods inventory of the transferred establishment, he may not acquire its points. In this case, the seller or transferor keeps the points. If he is a "retailer," or "wholesaler," he may use the points with his other establishment of the same kind as the transferred establishment. If he is a "processor," he must give up to the Washington Office the points received for sales and transfers of processed foods from that establishment at the time that he is required to give up points received by his other processor establishments.

**Sec. 11.2 Sale or transfer of industrial user establishments—(a) General.** When an "industrial user" sells or trans-

fers to any other person all or part of the business of his "industrial user establishment", for continued operation, both the transferor and transferee must notify the board (or district office) at which the establishment is registered. The notice must be given, in writing, before the sale or transfer if possible or, if not possible, within five days thereafter, and must show:

(1) The name and business address of the establishment and of the persons transferring and acquiring it;

(2) Whether all or part of the business is being transferred, and if the entire business is not being transferred, then the part of the business which is being transferred;

(3) The point value of the inventory, if any, transferred; and

(4) The point balance, if any, in the establishment's ration bank account and the number of points on hand, including points sent to a supplier for processed foods not yet shipped.

(b) *When the entire industrial user establishment is transferred.* (1) When the entire industrial user establishment is transferred for continued operation, the seller or transferor must give up to the board (or district office) all unused points he has for the establishment. If the establishment has a ration bank account, he must give up the points in the form of his ration check payable to the Office of Price Administration and he must notify the district office in the way required by General Ration Order 3A. The notice described in paragraph (a) of this section, and the surrender of unused points, will be treated as a cancellation of the transferor's registration and allotment.

(2) The transferee may not use the stocks of processed foods transferred with the establishment unless he receives an allotment. The application for an allotment must be made, on OPA Form R-315, to the board (or district office) for the place where the establishment is registered and must state whether:

(i) The entire establishment, as well as the processed foods inventory, has been transferred;

(ii) The transferee will continue to serve, from that establishment, the same general class of customers in the same area served by it before the transfer; and

(iii) The transferee will continue to produce, at the establishment, the same classes of products, though not necessarily under the same trade name.

The board shall send the application, the notices sent to it by both parties and the transferor's registration to the district office.

(3) If the district office finds that the establishment will continue to be operated in substantially the same manner as before the transfer and that the tests described in subparagraph (2) are satisfied, it shall assign to the transferee the transferor's allotment and base-period use, for that establishment. It shall also give the transferee a certificate for the number of points that the transferor surrendered to the board (or district office). However, if the amount of

processed foods transferred to the transferee with the establishment is larger than the unused part of the allotment for the current period, plus any unused part of the transferor's earlier allotments, the difference shall be treated as excess inventory. The transferee may not use any part of the allotment already used by the transferor, but he may use any unused part of any prior allotment the transferor received for that establishment.

(c) *Same rules apply to sale of entire chain.* The same rules apply where a person who has more than one industrial user establishment sells or transfers all of them for continued operation, whether or not they were registered separately.

(d) *Sale of part of a chain.* (1) When the seller or transferor has more than one industrial user establishment which he registered separately, and sells or transfers one or more, but not all of them, the procedure described in paragraphs (a) and (b) of this section must be followed separately, as to each of the establishments transferred.

(2) When the seller or transferor has more than one industrial user establishment, which he registered together, and sells or transfers one or more, but not all, of them, the transferor must also apply to the board (or district office) with which he is registered for a redetermination of his allotment and base-period use. (In that case, the transferor is not required to surrender points except as provided in this subparagraph, and he is not required to close his ration bank account unless, after the transfer, he is not permitted to have an account under the provisions of section 8.2 (d) of this order.) The board shall send the applications and notices of both parties, and the transferor's registration, to the district office.

(i) If the district office finds that the establishment will continue to be operated in substantially the same manner as before the transfer and that the tests described in paragraph (b) (2) are satisfied, it shall grant an allotment to the transferee and assign to him a base-period use. It shall first determine the amount of the transferor's allotment and base-period use allocable to the transferred establishment. That base-period use shall be assigned to the transferee. The transferee's allotment shall be the part of the transferor's allotment for that establishment corresponding to the unexpired part of the allotment period. The base-period use and the allotment assigned to the transferee shall be deducted from the base-period use and current allotment of the transferor. The district office shall issue a certificate to the transferee (or determine his excess inventory) on the basis of the allotment granted to him and the amount of the inventory he acquired from the transferor. If the amount of processed foods which is transferred with the establishment is less than the allotment assigned to the transferee, the transferor must give up points to the Office of Price Administration for the difference. If he does not give up points, that difference shall be treated as excess inventory.



(ii) If the district office finds that the establishment will not be operated in substantially the same manner as before the transfer or that the tests described in paragraph (b) (2) are not satisfied, it shall refuse to grant an allotment to the transferee or assign a base-period use to him. However, it shall determine the amount of the transferor's allotment and base-period use allocable to the transferred establishment and the amount of that allotment and base-period use shall be deducted from the current allotment and the base-period use of the transferor. If the amount of the reduction in his current allotment exceeds the point value of the inventory transferred with the establishment, the difference shall be treated as excess inventory.

(e) *Sale of part of the business of an establishment.* (1) When part, but not all, of the business of an industrial user establishment is transferred, the transferee must apply for an allotment and assignment of a base-period use. The application must be made, on OPA Form R-315, to the board (or district office) with which the transferee will register his establishment, and must state:

(i) What part of the business has been transferred;

(ii) The point value of the inventory transferred;

(iii) Whether the transferee will continue to produce the same class of products which the transferor was permitted to produce (though not necessarily under the same trade name);

(iv) The class of products made by, and the class of customers and area served by the part of the business transferred; and

(v) Whether the transferee will continue to serve the same general class of customers and the same area with the same class of products as were served by the part of the business transferred.

(2) The transferor must also apply to the board (or district office) with which he is registered for a redetermination of his allotment and base-period use. (In that case, the transferor is not required to surrender points except as provided in this paragraph, and he is not required to close his ration bank account unless, after the transfer, he is not permitted to have an account under the provisions of section 8.2 (d) of this order.)

(3) The board shall send the applications and notices of both parties, and the transferor's registration to the district office.

(4) If the district office finds that there was a bona fide sale or transfer of part of the business, that the transferee will produce the same class of products which the transferor was permitted to produce (though not necessarily under the same trade name), and that the transferee will continue to serve the same general class of customers and the same area previously served by the part of the business transferred, the district office shall grant an allotment to the transferee and assign to him a base-period use. It shall first determine the amount of the transferor's allotment and the base-period use allocable to the part of the business transferred. That base-period use shall be assigned to the transferee. The transferee's allotment

shall be the part of the transferor's allotment (for that part of his business) corresponding to the unexpired part of the allotment period. The base-period use and the allotment assigned to the transferee shall be deducted from the base-period use and current allotment of the transferor. The district office shall issue a certificate to the transferee (or determine his excess inventory) on the basis of the allotment granted to him and the amount of the inventory he acquired from the transferor. If the amount of processed foods which is transferred with the establishment is less than the allotment assigned to the transferee, the transferor must give up points to the office of Price Administration for the difference. If he does not give up points, that difference shall be treated as excess inventory.

(5) If the district office finds that there was not a bona fide sale or transfer of part of the business or that the tests described in subparagraph (4) of this paragraph are not satisfied, it shall refuse to grant an allotment to the transferee or assign a base-period use to him. However, it shall determine the amount of the transferor's allotment and base-period use allocable to the part of the business transferred and the amount of that allotment and base-period use shall be deducted from the current allotment and the base-period use of the transferor. If the amount of the reduction in his current allotment exceeds the point value of the inventory transferred with the establishment, the difference shall be treated as excess inventory.

(f) *Transferee's registration.* A transferee is regarded as registered as soon as the district office assigns an allotment and base-period use to him and an OPA Form R-1200 is filed by him.

(g) *Use of allotment by transferee.* A transferee may not use any allotment assigned to him under this section if his operation of the transferred establishment ceases to meet the tests described in paragraph (b) or (e), as the case may be.

(h) *The district office shall notify the transferor and transferee of the decision.* The district office shall notify, in writing, both the transferor and transferee of its decision on any application made under this section.

(i) *If the transferee is not assigned a base, the transferor may apply for the reassignment of the base to him.* If, under this section, a district office refuses to assign an allotment or base-period use to a transferee, the transferor may, within 30 days after the district office notifies him of such refusal, notify the district office, in writing, that he wishes to resume making the same class of products and serving them to the same general class of customers in the same area to substantially the same extent as before the transfer. In that event, if the district office finds that the transferor intends to and will be able to do so promptly, it may reassign to him his base-period use and allotments just as though there had been no transfer.

[Sec. 11.2 amended by Am. 47, 9 F.R. 7773, effective 7-15-44; and Am. 58, 9 F.R. 12639, effective 10-23-44]

SEC. 11.2a *Where and how the transferee registers industrial user establishments acquired by him.* (a) A person who buys or otherwise acquires an industrial user establishment of any type and who already has two or more industrial user establishments which are registered together must register the new establishment together with his other establishments at the same Board or District Office. If he already has other industrial user establishments registered separately, the new establishment must be registered separately with the Board or District Office for the place where it is located. If he has only one other industrial user establishment he may elect whether his industrial user establishments will be registered together or separately. If he registers them together, registration shall be at the Board or District Office for the place where his principal office is located. If he registers them separately, registration shall be at the Board or District Office for the place where the industrial user establishment is located.

(b) If a person who acquires more than one industrial user establishment is entitled to or is required to, register them separately, the District Office must compute separately the portion of the transferor's allotment and quarterly use allocable to each of the establishments acquired, in the way described in section 11.2.

[Sec. 11.2a added by Am. 81, 10 F.R. 6839, effective 6-11-45]

SEC. 11.3 *Moving establishment to another place.* (a) A person may move his retail, wholesale or processor establishment to another place after notifying the board at which the establishment is registered, or the Washington Office if it is registered there, of his new address.

(b) (1) If an industrial user has several establishments which are registered separately, and he wishes to move all or part of the business of one or more of them to another place, the moving is to be treated as a transfer to a different person under section 11.2 of this order. For this purpose, the place from which the establishment is to be moved is considered the transferor and the place to which it is to be moved is considered the transferee. The same rule applies if he has one establishment and wishes to move all or part of its business to another place which is to be registered separately.

(2) If an industrial user has several establishments which are registered together, and he wishes to move all or part of the business of one or more of them to a new place, he must apply for permission to do so. The application must be made on OPA Form R-315, to the board (or district office) with which he is registered and must show:

(i) The new address at which the applicant wishes to operate;

(ii) Whether all or part of the business will be moved, and, if only part is to be moved, he must describe the part which will be moved;

(iii) The point value of the inventory, if any, which will be moved to the new place;

(iv) The class of products made by, and the class of customers and area



served by the business (or part of the business) which will be moved; and

(v) Whether he will continue to serve, from the new place, the same general class of customers and the same area served by him from his old place.

The board shall send the application, with its recommendation, if any, to the district office. If the district office finds that the establishment will continue to be operated at the new place in substantially the same manner as at the old place, and that the applicant will continue to serve from the new place the same general class of customers in the same area as he served from the old place, it shall grant the application. (If the district office finds that the new establishment will not be operated in such manner as to satisfy the tests described in this subparagraph, it shall deny the application.)

(3) An industrial user who has several establishments which are registered together may use his allotments or inventory at any of them interchangeably and need not apply for permission to do so.

(c) An industrial user who moves all or part of the business of an establishment to a new place and is granted permission to continue his operations at that place, may not use his allotment there if his operation of the establishment ceases to meet the tests prescribed for moving that establishment. In that case, his establishment at the new place shall be considered closed and subject to the provisions of section 13.1.

[Paragraph (b) amended and (c) added by Am. 58, 9 F.R. 12639, effective 10-23-44]

#### ARTICLE XII—NEW BUSINESSES

**SEC. 12.1 New retail establishments may be opened.**—(a) *How stocks are obtained.* A "person" who wishes to open a "retail establishment" after February 1943 may apply for a "certificate" to get stocks of "processed foods." The application must be made on OPA Form R-315 to the "board" for the place where the establishment will be located. (If he also has a "wholesale" or "processor establishment" he must apply to the "Washington Office", and not to the board.) The application must show:

- (1) The proposed name and address of the establishment;
- (2) The amount he has invested or expects to invest in it;
- (3) The size of the establishment;
- (4) The number of points he needs in order to get adequate stocks;
- (5) The point value of any stocks of processed foods he may have for that establishment.

(b) *Issuance of certificate.* The board (or the Washington Office) will issue to him a certificate for the number of points he needs to get an adequate working inventory.

(c) *Registration.* At the end of his first full month of operation, he must register that establishment, on OPA Form R-1302 in the same way that "retailers" register between April 1 and April 10, 1943. He must give all information called for by the form. However, he must show his sales and "transfers" of processed foods from that estab-

lishment during his first full month of operation instead of during March 1943, and must report his point inventory at the end of that month, instead of at the end of March 1943. When he registers, he may get a certificate or, if he has excess inventory, he must give up points to the Office of Price Administration in the same way as retailers who register between April 1 and April 10, 1943. He may not, however, be given a certificate for more than the amount by which his allowable inventory exceeds the amount of the certificate given to him when he applied on OPA Form R-315.

(d) *Procedure where no additional stocks are needed.* Where the person who wishes to open the retail establishment has enough stocks, he need not apply on OPA Form R-315. He may begin operation with the stocks he has. However, before making any sales or transfers of processed foods from the establishment after April 10, 1943, he must notify the board for the place where the establishment is located. If he also has a wholesale or a processor establishment, he must notify the Washington Office, instead of the board. The notice must be in writing and must give the name and address of the establishment and the point value of its inventory. At the end of his first full month of operation, he must register the establishment and follow the procedure described in the last paragraph.

(e) *Persons dealing only in zero point value foods need not register.* A person who opens a retail establishment need not register that establishment while all the processed foods in which he deals there have a zero point value.

[Paragraph (e) added by Am. 44, 9 F.R. 7257, effective 7-3-44]

**SEC. 12.2 New wholesale establishments may be opened.**—(a) *How stocks are obtained.* A person who wishes to open a wholesale establishment after February 1943, may apply for a certificate to get stocks of processed foods. The application must be made to the Washington Office on OPA Form R-315. The application must show:

- (1) The proposed name and address of the establishment;
- (2) The amount he has invested or expects to invest in it;
- (3) The size of the establishment;
- (4) The number of points he needs in order to get adequate stocks;
- (5) The point value of any stocks of processed foods he may have for that establishment.

(b) *Issuance of a certificate.* The Washington Office will issue to him a certificate for the number of points he needs to get an adequate working inventory.

(c) *Reports.* Beginning for his first full reporting period of operation, he must file reports for that establishment, on OPA Form R-1310, and follow the same procedure as a "wholesaler" who registered between April 1 and April 10, 1943.

(d) *Procedure where no additional stocks are needed.* Where the person who wishes to open the wholesale establishment has enough stocks, he need not apply on OPA Form R-315. He may

begin operations with the stocks he has. However, before making any sales or transfers of processed foods from that establishment after April 10, 1943, he must notify the Washington Office. The notice must be in writing and must give the name and address of the establishment and the point value of its inventory.

(e) *Maximum allowable inventory.* His maximum allowable inventory is then determined in the following way:

(1) For the first five reporting periods, his maximum allowable inventory is the point value of any ration check issued to him by the Washington Office, plus the point value of any inventory of processed foods which he had at the time he notified the Washington Office of his intention to begin operations as a wholesaler;

(2) For his sixth reporting period and thereafter, his maximum allowable inventory is determined in the following way:

(i) The point value of his transfers of processed foods during his first four full reporting periods is determined. (Exchanges and returns of processed foods, and transfers from one to another of his wholesale establishments, must not be included in this computation);

(ii) That figure is divided by four to arrive at the average of his sales and transfers during each of the four periods;

(iii) The result becomes the wholesaler's fixed base and it is multiplied by a factor which the Office of Price Administration will fix for the reporting period in question and for subsequent periods in a supplement to this order.

[Paragraph (e) amended by Am. 79, 10 F.R. 5796, effective 5-25-45]

**SEC. 12.3 New processor establishments may be opened.** (a) A person who opens a processor establishment which was not in operation during February 1943 must notify the Washington Office before making sales or transfers of processed foods from that establishment. The notice must be in writing and must show:

- (1) The name and address of the establishment;
- (2) The type of processed foods he produces or imports there;
- (3) The inventory of that establishment on the date of the notice.

He must file reports for that establishment, on OPA Form R-1305, beginning for the reporting period in which he started operations there.

**SEC. 12.4 In special cases, allotments may be granted for new industrial user establishments.** (a) A person who has or wishes to open an "industrial user establishment" which he did not operate at any time between January 1, 1942 and February 28, 1943, may apply for an allotment. Generally no such application may be granted unless it is found that:

[Above paragraph amended by Am. 2, 9 F.R. 695, effective 1-21-44]

(1) The operation of the establishment will make a direct contribution to the war effort or is essential to meet civilian needs in the area it will serve; and

(2) The product it will produce cannot be obtained from any other source in the area to be supplied.



(b) The application must be made on OPA Form R-315 and must be filed as follows:

(1) With the board (or district office) authorized to keep the files of industrial users for the place where the applicant's industrial user establishment is or will be located, if:

(i) He does not have a registered industrial user establishment and the application covers only one establishment; or

(ii) He has more than one industrial user establishment which are already registered separately; or

(iii) He has one industrial user establishment which is already registered and he wishes to register the new establishment separately.

(If the applicant wishes to open more than one industrial user establishment which are to be registered separately, a separate application must be filed for each such establishment.)

(2) With the board (or district office) authorized to keep the files of industrial users for the place where the applicant's principal business office is or will be located, if:

(i) The application covers more than one industrial user establishment and the applicant wishes to register such establishments together; or

(ii) He has more than one industrial user establishment which are already registered together; or

(iii) He has one industrial user establishment which is already registered and he wishes to register the new establishment with it.

(c) The application must show:

(1) The product the applicant will make;

(2) The size of the establishment;

(3) The amount he has invested or intends to invest in it;

(4) The market to be supplied;

(5) The kinds and point value of any processed foods he may have for that establishment;

(6) The amount of the allotment requested.

[Paragraph (b) amended; (c) added; and former (c) and (d) redesignated (d) and (e) by Am. 31, 9 F.R. 4881, effective 5-7-44]

(d) The board may call for any additional information it finds necessary. It may not pass on the application, but must forward it, together with all information received, to the district office. It may attach its recommendation, if any, as to the action to be taken. In cases in which the applicant wishes to make an industrial use of processed foods for experimental, educational, or testing purposes, the district office may permit the applicant to register (on OPA Form R-1200) and grant him an allotment if it finds it in the public interest to do so. In all other cases, the district office must forward the entire file to the Washington Office, for decision, or take such other action as the Washington Office may authorize or direct.

[Paragraph (d), formerly (c) amended by Am. 27, 9 F.R. 4475, effective 4-29-44]

(e) An industrial user who already has an allotment, may not open another industrial user establishment and use

his allotment there, unless he applies under this section and is given permission to do so.

#### ARTICLE XIII—CLOSING OF BUSINESS

SEC. 13.1. *What a person who closes his establishment must do—*(a) *General.* (1) Any "retailer", "wholesaler", "processor", "country shipper", or "industrial user" who goes out of the business of dealing in or using "processed foods" at his establishment must notify the "board" at which it is registered, or the "Washington Office", if it is registered there. (A "person" is considered as going out of the business of dealing in or using processed foods if the foods he deals in or uses at his establishments are removed from the list of processed foods.) The notice must be given in writing within five (5) days after he goes out of business. It must show:

(i) The name and address of the establishment;

(ii) The point value of its inventory at the time that he ceases doing business in processed foods at that establishment; and

(iii) The number of points in the establishment's ration bank account, if any, and the number of points on hand, including points in the hands of his suppliers for processed foods not yet shipped. If he has a ration bank account he must also notify the district office in the way required by General Ration Order 3A (the Ration Banking Order).

(2) He must account to the Office of Price Administration for all points he has for the establishment at which he ceased doing business. If all his stocks of processed foods have not been disposed of at the time of the notice, he must account for the rest of the points as soon as the stocks have been liquidated. An industrial user who has given the notice called for above, may sell or "transfer" his unused stocks of processed foods in the same way that a retailer is permitted to make sales or transfers.

(b) *Closing of entire chain.* The rules set forth in paragraph (a) of this section, also apply to a person who has more than one establishment of a particular kind and who goes out of business at all of them. He must give the information required, and must give up the points, for all the establishments.

(c) *Closing of part of a chain.* (1) A person who has several retail, wholesale or processor establishments may go out of business at one or more, but may continue to operate the others. In that case, he need not give up points to the Office of Price Administration at that time but may use them for the operation of the establishments which he continues.

(i) If the establishment closed was a "retail establishment", he must notify the board at which it is registered within five (5) days after he closes it. If it is registered at the Washington Office, he must notify that office instead. The notice must be in writing and must give the name and address of the establishment closed.

(ii) If the establishment closed was a "wholesale" or "processor establish-

ment", he must indicate that fact in his next periodic report.

(2) A person who has several "industrial user establishments", which are registered separately, may go out of business at one or more, but may continue to operate the others. In that case, he must follow the procedure set forth in paragraph (a) of this section as to each of the establishments at which he goes out of business.

(3) A person who has several industrial user establishments which are registered together may go out of business at one or more, but may continue to operate the others. In that case he must notify the board with which he is registered. The notification must be in writing and must state whether and to what extent he will continue to serve, from his other establishments, the same area and the same general class of customers. The board must send the notification and his registration to the district office. The district office shall determine the extent to which he remains entitled to use his entire allotment. He may keep his entire allotment only if his remaining establishments will continue to serve the same general class of customers and the same area as the establishment closed. His allotment and his base-period use must be reduced to the extent that he will cease to serve the same class of customers and the same area. If his allotment is reduced, he must give up to the Office of Price Administration points equal to the reduction. If he does not have points to give up, the amount of the reduction shall be treated as excess inventory.

#### ARTICLE XIV—MISCELLANEOUS ADJUSTMENTS

SEC. 14.1. *Retailer may apply for inventory adjustments after March 1943—*

(a) *How to apply.* A "retailer" who finds that his allowable inventory is inadequate may apply for an adjustment. The application must be made, on OPA Form R-315, to the "board" with which he registered, or to the "Washington Office" if he registered there. The application must give the following information:

(1) The amount of his allowable inventory;

(2) The reasons why he claims that it is inadequate;

(3) The point value of his sales and "transfers" of "processed foods" during the thirty days before his application, not including exchanges, and transfers from one of his "retail establishments" to another;

(4) The amount of the adjustment which he needs.

He must also give any other information that the board (or the Washington Office) may request.

(b) *Application based on increase of business.* If he asks for a larger inventory because of an increase in business which is not due to regular seasonal variations, his application is to be acted upon in the following way:

(1) The point value of his sales or transfers upon which his allowable inventory was based is determined;

(2) The point value of his sales and transfers of processed foods, during the



thirty days before the application is determined;

(3) If the second figure is more than ten percent larger than the first figure, he is to get a "certificate" for the difference between them multiplied by the factor fixed in the supplement to this order for determining retailer allowable inventories;

(4) If the second figure is not more than ten percent larger than the first, his application is to be denied.

(c) *Other applications.* If he asks for a larger inventory for any other reason, a board may not act on the application but must send it, and any other information received, to the district office. The board may attach its recommendation, when it transmits the application. The district office shall send the file to the Washington Office, for decision, or take such other action as the Washington Office may authorize or direct.

SEC. 14.2 *Wholesaler may apply for inventory adjustments after March 1943—(a) How to apply.* A "wholesaler" who finds that his maximum allowable inventory is inadequate may apply for an adjustment. The application must be made to the Washington Office, on OPA Form R-315, and must give the following information:

(1) The amount of his maximum allowable inventory for the reporting period in which he applies;

(2) The reasons why he claims that it is inadequate;

(3) The amount of the adjustment which he needs.

He must also give any other information that the Washington Office may request.

(b) *Action on application.* The Washington Office will act on the application according to the circumstances of the case.

SEC. 14.3 *Wholesalers and retailers may apply for point loans—(a) General.* A retailer or a wholesaler may have large seasonal variations in the amount of business that he does. He may therefore need an unusually large inventory at certain times. In other cases due to difficulties of transportation a retailer or a wholesaler may have a large number of points tied up in the hands of his supplier, for processed foods which he has not yet received. In these situations the retailer or wholesaler may wish to borrow points in order to get enough processed foods to tide himself over. He does not need a permanent adjustment, but simply a loan of points which he can pay back later.

(b) *Application for a point loan.* A retailer or wholesaler may apply for a point loan when he needs more points to get processed foods for a limited period of time because of uncertainties or delays in transportation or because of seasonal variations in his business. He must apply on OPA Form R-315 to the board with which he is registered (or to the Washington Office, if he is registered there). The application must show:

- (1) His allowable inventory;
- (2) The reasons he needs a point loan;
- (3) The number of points he needs to borrow;

(4) The length of time for which he needs the loan.

He must give any other information that the board (or the Washington Office) requests.

(c) *Action on application.* If he needs a point loan for any of the reasons set forth in the last paragraph, he may be given a certificate for the number of points needed. The loan can be for any period up to two months. He must give back that number of points to the Office of Price Administration, for cancellation, not later than the date set at the time the certificate is issued.

(d) *When Board may not act upon application.* A board may not grant a point loan of more than fifty percent of the applicant's allowable inventory. If more than that is needed, it must send the application, together with all information it received, to the district office. It may attach its recommendation as to the action to be taken. The district office shall send the file to the Washington Office for decision, or take such other action as the Washington Office may authorize or direct.

SEC. 14.4 *Adjustments for lost, destroyed, stolen or spoiled processed foods—(a) Lost, destroyed, or stolen processed foods—(1) How to apply.* Any "person" whose processed foods were lost, destroyed, or stolen, or taken away by legal process or order of a court, may apply for a certificate for the number of points needed to replace them. However, a consumer may apply for a certificate with which to replace processed foods only if he has given up points to acquire the foods which are lost, destroyed, stolen, or taken away. (Processed foods reported by a consumer at the time he registered for War Ration Book Two, and for which eight point stamps were removed from his war ration book, are deemed to be processed foods for which he has "given up" points.) The application must be made on OPA Form R-315. A "consumer" who wants a certificate must apply to the board for the place where he lives. Any other person must apply to the board with which he is registered (or to the Washington Office, if he is registered there). The application must give:

[Above paragraph amended by Am. 12, 9 F.R. 2240, effective 3-1-44]

(i) A description of the processed food he wishes to replace, showing their point value;

(ii) A description of the way in which they were lost, destroyed, stolen, or taken away;

(iii) A statement, if the applicant is a consumer, that he gave up points for the processed foods which were lost, destroyed, stolen, or taken away, or that stamps were removed from his War Ration Book Two for such foods.

[Subparagraph (iii) added by Am. 12, 9 F.R. 2240, effective 3-1-44]

He must also give any other information that the board (or the Washington Office) may request.

(2) *Action on application.* If the board (or the Washington Office) finds the statements made in the application

to be true, it will issue to him a certificate for the number of points needed to replace the foods.

(3) *Recovery of lost or stolen foods.* If the applicant gets back any of the processed foods covered by his application, he must give back to the Office of Price Administration, for cancellation, points equal to the point value of the foods he recovered.

(b) *Spoiled processed foods.* Application for replacement of processed foods which spoiled in the applicant's hands before they could be used or transferred may be made under the provisions of section 14.5. Spoiled processed foods not covered by section 10.12 may be replaced by exchanging them for other processed foods of equal point value. However, a "processor" must account in his periodic report (and a country shipper must account in his monthly report) to the Washington Office, for processed foods which spoiled in his hands, or which he took back in an exchange.

SEC. 14.5 *Applications may be made for other adjustments—(a) How to apply.* Any retailer, wholesaler, processor, or "industrial user" who needs an adjustment in his inventory or allotments, or other relief, may apply, on OPA Form R-315, to the board with which he is registered, or to the Washington Office, if he is registered there. He must state in his application all facts which he claims show his need for the adjustment, and the nature and amount of the adjustment he requests. He must also give any other information that the board (or the Washington Office) requests.

[Paragraph (a) amended by Am. 60, 9 F.R. 12971, effective 11-3-44]

(b) *Action on application.* A board may not act upon an application under this section. It must send the application, together with all other information received, to the district office. It may attach its recommendation as to the action to be taken. The district office shall send the file to the Washington Office, for decision, or take such other action as the Washington Office may authorize or direct.

(c) *Applications by industrial users for adjustments in base-period use or allotments will not be granted if filed after certain dates.* The Office of Price Administration has granted and will grant, in a proper case, adjustments in the base-period use or allotments of an industrial user where it is shown that:

(1) Fire, floods, strikes, or other similar catastrophes affecting his operations during the base period caused his base-period use to be less than it otherwise would have been; or

(2) He invested in productive equipment or facilities before February 21, 1943, which he did not begin using until after the beginning of his base period with the result that the additional capacity to use processed foods, so obtained, was not adequately reflected in his base-period use.

However, no application by an industrial user for an adjustment in his base-period use or allotments based on any of these reasons or on any other condition, occurrence or fact existing before Feb-



ruary 21, 1943, will be granted unless the application, in writing, is filed before December 15, 1944. Furthermore, any person who becomes an industrial user, or whose use of certain foods becomes an industrial use, because the foods he uses in his operations are added to the list of processed foods (or because he uses processed foods in making products which were removed from the list of processed foods) may file an application within 90 days after his use of the foods in question becomes an industrial use of processed foods.

[Paragraph (c) added by Am. 59, 9 F.R. 12971, effective 11-3-44]

SEC. 14.6 [Revoked.]

SEC. 14.7 [Revoked.]

[Sec. 14.6 and 14.7 revoked by Am. 54, 9 F.R. 11538, effective 9-17-44]

SEC. 14.8 *Replacement of lost, destroyed, stolen or mutilated certificates, coupons, stamps, or tokens*—(a) *Torn or mutilated certificates, coupons, stamps, or tokens.* A certificate that is torn or mutilated shall be valid only if more than one-half thereof remains legible and the remaining portion clearly shows the date of the certificate, its point value and the name of the person to whom it was issued. A coupon that is torn or mutilated shall be valid only if more than one-half thereof remains legible and the remaining portion clearly shows its point value. A stamp that has been torn or mutilated is valid only if more than one-half thereof remains legible and clearly shows its identifying letter and number. Such a stamp is valid in the hands of a consumer only if it remains undetached in his War Ration Book. A token that has been broken or mutilated is valid only if more than one-half remains thereof and that portion retains sufficient lettering to identify it as having been a ration token.

(b) *Lost, destroyed or stolen certificates, coupons, stamps, or tokens.* (1) If a certificate, coupon, stamp, or token held by a person other than a consumer is lost, destroyed or stolen, the person entitled to such token, stamp, coupon, or certificate may apply for a new coupon or certificate to replace it. The application shall be made by such person or his authorized agent upon OPA Form R-315 to the board with which he is registered (or to the district or Washington Office, if he is registered there). If the board or the Washington Office finds that the certificate, stamp, token, or coupon was lost, destroyed or stolen, it shall issue a coupon or certificate equal in point value to the stamp, certificate, token, or coupon which was lost, destroyed or stolen.

(2) If a certificate or coupon held by a consumer is lost, destroyed or stolen, the consumer may apply for a certificate or coupon to replace it. (A consumer may not apply to replace stamps or tokens which have been lost, destroyed or stolen. However, a consumer may apply in accordance with Procedural Regulation No. 12 to replace a War Ration Book which has been mutilated, destroyed, lost or stolen.) The application shall be made to the board for the place where he lives upon OPA Form R-315 by the consumer personally or by an adult

member of his family unit, or by an authorized agent. If the board finds that the certificate or coupon was lost, destroyed or stolen, it shall issue a coupon or certificate equal in point value to the certificate or coupon which was lost, destroyed or stolen.

(3) If any person who has received a replacement for lost or stolen certificates, coupons, tokens, or stamps recovers any or all of the lost or stolen certificates, coupons, tokens, or stamps, he must return them to the board or district office from which he received the replacement, or to the Washington Office if he received the replacement from there.

[Sec. 14.8 added by Am. 41, 9 F.R. 7080, effective 6-30-44]

SEC. 14.9 *Retailers may apply for adjustment if net point inventory is or would be reduced to less than 75 percent of allowable inventory.* (a) *How to apply.* A retailer whose net point inventory has been reduced to less than 75 percent of his allowable inventory (or would be so reduced if he were required to give up points for his remaining excess inventory) and who finds that it will be a hardship for him to operate with the points he has may apply for an adjustment. The application must be made between December 31, 1944 and February 10, 1945, inclusive, on OPA Form R-315, to the board with which he is registered, or to the Washington Office, if he is registered there. The application must give the following information, stated separately:

(1) The point value of his inventory of processed foods and the date on which it was taken. The inventory must be taken at some time from December 31, 1944 to January 27, 1945, inclusive, and the applicant must keep a record, by items, of such inventory. (Section 5.5 (b) of this order describes what must be included in his inventory). In addition, it must show, as of the date on which he took his inventory of foods:

(2) The number of points which he has on hand;

(3) The number of points in his ration bank account, if any, (except those for which ration checks are outstanding);

(4) The number of points which he has already given up for processed foods not yet shipped to him;

(5) The number of points which he has not yet received for processed foods he has already shipped;

(6) The number of points he has received for processed foods which he has not yet shipped;

(7) The number of points he owes for processed foods already shipped to him;

(8) Points owed to the Office of Price Administration for outstanding loans; and

(9) That this adjustment is necessary because it will be a hardship for him to operate with the points he has.

(b) *Action on application.* The board or the Washington Office may grant him an adjustment if it finds that it will be a hardship for the retailer to operate with the points he has and that his net point inventory (the total of subparagraphs (1) through (5) of paragraph (a), less the total of subparagraph (6) through (8) of paragraph (a)) has been

reduced to less than 75 percent of his allowable inventory (or that his net point inventory would be so reduced if he were required to give up points for his remaining excess inventory). The board or Washington Office will issue to him a check equal to the amount by which 75 percent of his allowable inventory exceeds his net point inventory, and will also cancel any remaining excess inventory. If his net point inventory is greater than 75 percent of his allowable inventory, it will cancel that part of his excess inventory, which, if he were required to give up points therefor, would reduce his net point inventory below 75 percent of his allowable inventory.

(c) *General.* Only one application under this section may be made by any retailer. Nothing in this section shall be construed to forgive or excuse any violations by the applicant of this or any other order of the Office of Price Administration, or to affect any action which may be taken by the Office of Price Administration with respect to any such violations.

[Sec. 14.9 added by Am. 70, 9 F.R. 15052, effective 12-26-44]

#### ARTICLE XV—ISSUANCE AND USE OF CERTIFICATES, RATION COUPONS AND TOKENS

SEC. 15.1 *How certificates are issued*—(a) *By whom issued.* "Certificates" (OPA Form R-1201) may be issued by the "Washington Office", by a "board", by any authorized officer or representative of the Office of Price Administration, or by any "person" authorized by the Office of Price Administration to issue them. Certificates may be issued only in the cases and for the purposes permitted by this or any other order of the Office of Price Administration.

[Article title amended by Am. 9, F.R. 1908, effective 2-17-44]

(b) *How certificates are issued.* The person who issues a certificate must insert, in ink, the words "Processed Foods" in the appropriate space and must sign it and fill in:

(1) The number of points for which it is issued;

(2) The name of the person for whom it is issued; and

(3) The word "after" in the upper right corner shall be changed to "before" and the date inserted there shall be the date of issue.

[Subparagraph (3) amended by Am. 24, 9 F.R. 3944, effective 4-15-44]

A certificate which is not filled out in this way is not good for the acquisition of processed foods and may not be used or accepted for that purpose.

SEC. 15.2 *Certificates may be used for limited time.* (a) A certificate issued on or after November 2, 1943 may be used at any time prior to January 21, 1945 by the person to whom it is issued for the acquisition of processed foods if he does not have and is not required to have a ration bank account. A "retailer" who "transferred" processed foods for a certificate may use it at any time prior to January 21, 1945, to acquire such foods if he does not have and is not required to have a ration bank account. A certificate



issued or duly transferred to a person who has a ration bank account is valid for deposit in his account at any time prior to February 1, 1945. No certificate may be transferred by endorsement after January 21, 1945 or deposited after January 31, 1945. However, a certificate which expired before January 1, 1944 may not be transferred or deposited and may not be used to acquire processed foods.

(b) Any person who has and is entitled to use a certificate issued on or after November 2, 1943, may, at any time from January 1, 1945 to January 31, 1945, inclusive, exchange that certificate at the board for a ration check.

[Sec. 15.2 amended by Am. 24, 9 F.R. 3944, effective 4-15-44; and Am. 64, 9 F.R. 13993, effective 11-27-44]

SEC. 15.3 *A certificate must be endorsed.* (a) Before it can be used, a certificate must be signed on the back by the person for whom it was issued, or by a person authorized to sign for him, if he cannot write.

(b) Any retailer, "wholesaler" or "processor" who has transferred processed foods for a certificate must sign his name on the back of the certificate before he can deposit or use it.

#### SEC. 15.4 [Revoked]

SEC. 15.5 *Names of persons who have been given certificates may be posted.* (a) A board may post at its office the name of any person to whom it has issued a certificate under this order. However, it shall not do so if it would reveal information of a military character, or information which any public law enforcement or investigating agency wishes to keep confidential.

SEC. 15.6 *Certificates are the property of the Office of Price Administration and may be revoked.* (a) All certificates are the property of the Office of Price Administration, whether or not they have been issued.

(b) The Office of Price Administration may suspend, cancel or revoke any certificate issued if it finds it in the public interest to do so.

SEC. 15.7 *Sugar purchase certificates may be corrected and used as processed foods purchase certificates.* (a) Where no food ration certificates (OPA Form R-1201) are available, sugar purchase certificates (OPA Form R-306) may be used instead, if the word "sugar" in the title is changed to "processed foods", and the rest of the sentence following the applicant's name and address and ending with "Administration" is changed to read "is issued [amount in words] ([amount in numerals]) points of processed foods". The date inserted in the upper right corner shall be the date of issue. The date in the lower right corner shall be left blank.

[Paragraph (a) amended by Am. 24, 9 F.R. 3944, effective 4-15-44]

SEC. 15.8 *How ration coupons are issued.* (a) *General.* Whenever a board, district office, or the Washington Office of the Office of Price Administration, or any other person, is authorized to issue one or more certificates or checks to any

person, it shall, unless otherwise directed by the Office of Price Administration, issue ration coupons instead, if he is not entitled to have a ration bank account, or whose ration bank account has been closed under section 8.6 of this order. However, ration coupons may be issued to a retailer who does not have, and is not required to have, a ration bank account.

[Paragraph (a) amended by Am. 64, 9 F.R. 13993, effective 11-27-44; and Am. 73, 10 F.R. 1539, effective 2-7-45]

(b) *How ration coupons are issued and used.* Ration coupons are coupons designated "ration coupons" which are issued in denominations of 1, 5, 20, 100 and 1,000 points by the Office of Price Administration. Blue ration coupons may be used for the acquisition of all processed foods. They need not be endorsed, and are good at any time. In all other respects they may be used in the same way as "stamps," certificates and ration checks. However, a person who does not have and is not required to have a ration bank account may use ration coupons to give change to any person other than a consumer, but he may use for this purpose only ration coupons having denominations of 1, 5, or 20 points. (This does not affect the rule that a person who has or is required to have a ration bank account may give up or return points only in the form of a check. The only exception to that rule is in the use of one point stamps or tokens to give change to consumers.)

[Paragraph (b) amended by Am. 9, 9 F.R. 1908, effective 2-17-44]

(c) *Ration coupons are the property of the Office of Price Administration and may be revoked.* (1) All ration coupons are the property of the Office of Price Administration, whether or not they have been issued.

(2) The Office of Price Administration may suspend, cancel, or revoke any ration coupon if it finds it in the public interest to do so.

SEC. 15.9 *How ration tokens may be obtained by persons other than consumers.* (a) On and after February 17, 1944, any person other than a consumer who sells or transfers processed foods may acquire tokens in quantities of 250 or multiples thereof at any ration bank in exchange for the following types of ration currency:

(1) *Stamps.* From February 17, 1944 to February 26, 1944, inclusive, he may use green stamps in sealed envelopes. From February 27, 1944 to May 1, 1944, inclusive, he may use green stamps in sealed envelopes or blue stamps pasted on gummed sheets, OPA Form R-140. Beginning May 2, 1944 he may use stamps only if they are pasted on such gummed sheets notwithstanding the provisions of General Ration Order 7. If he uses stamps in sealed envelopes, the envelopes must be handled in all respects in accordance with the procedure described in General Ration Order 7 for the use of such envelopes. If he uses stamps pasted on gummed sheets he may use only stamps valid for transfer or deposit by him at the time he acquires tokens, and each sheet must contain 25 stamps. He

must write his name and address on each sheet.

[Subparagraph (1) amended by Am. 21, 9 F.R. 3708, effective 5-2-44]

(2) *Certificates.* He may use a certificate only if it is made out to him. He must write his name and address on the back of the certificate before using it to acquire tokens.

(3) *Checks.* If he has a ration bank account he may use a ration check to obtain tokens only at the bank where he has his account and only if such check is drawn by him against his account either to his own order or the order of "tokens".

(4) *Ration coupons.* Between February 17, 1944 and May 1, 1944, inclusive, he may use ration coupons to obtain tokens. They must be enclosed in sealed envelopes which must be handled in accordance with the procedure described in General Ration Order 7 for the use of such envelopes. After May 1, 1944 he may not use ration coupons to acquire tokens.

(b) Beginning February 27, 1944 any person who sells or transfers processed foods may obtain tokens in exchange for any valid ration currency from any other person who sells or transfers such foods.

(c) Before February 17, 1944 any retailer who has more than one retail establishment may apply to the Washington Office for permission to obtain tokens from that office. Such a retailer must give up points on or before February 17, 1944 to the Washington Office for tokens he receives in this way.

SEC. 15.10 *How tokens are used.* (a) Beginning February 27, 1944 tokens may be used to buy or acquire foods and to give change to consumers when they buy or acquire such foods. They have a point value of one point each and are good at any time. However, a transferor of processed foods need not accept more than 9 tokens from any transferee other than a consumer in any single transaction.

(b) Any person who has a ration bank account may deposit tokens in his account only in quantities of 250 or multiples thereof and only if they are in the containers provided for them by the Office of Price Administration. Any person who does not have and is not required to have a ration bank account may exchange tokens in quantities of 250 or multiples thereof for a ration check at any ration bank but only if the tokens are in the containers provided for them. Any person who deposits or exchanges tokens in this way must write his name and address in the space provided for that purpose on the cover of the container.

[Secs. 15.9 and 15.10 added by Am. 9, 9 F.R. 1908, effective 2-17-44]

SEC. 15.11 *Tokens which may not be used must be surrendered.* (a) A person who has any tokens which he acquired in a way not provided for by this or any other order of the Office of Price Administration must not use them for any purpose but must surrender them to a board.

[Sec. 15.11 added by Am. 42, 9 F.R. 7081, effective 6-30-44]



SEC. 15.12 *Tokens may not be used after certain dates.* Notwithstanding the provisions of any other section of this order:

(a) On or after September 17, 1944, no retailer, wholesaler, country shipper, or processor may use tokens to give change to consumers or to industrial or institutional users.

(b) On or after September 17, 1944, no retailer, wholesaler, country shipper, or processor may acquire tokens from any ration bank.

(c) Between September 17 and September 30, 1944, inclusive, consumers may give (but not sell) tokens to other consumers without acquiring processed foods therefor, for the purpose of making up quantities of ten, or multiples of ten, for the acquisition of processed foods.

(d) On or after October 1, 1944, no consumer may use tokens to buy or acquire processed foods.

(e) On or after October 10, 1944, no person at all may use tokens to buy or acquire processed foods.

(f) On or after October 10, 1944, no person may deposit tokens in any ration bank account or exchange tokens for stamps, certificates, ration coupons or ration checks.

[Sec. 15.12 added by Am. 53, 9 F.R. 11113, effective 9-8-44]

SEC. 15.13. *Special provisions for exchanging and depositing tokens between September 27, and October 16, 1944.* Notwithstanding the provisions of any other section of this order:

(a) Between September 27 and October 16, 1944, inclusive, any retailer, wholesaler, country shipper, or processor who has a ration bank account may deposit tokens in that account:

(1) In quantities of less than 250 in sealed envelopes (OPA Form R-132);

(2) In quantities of 250 in sealed envelopes (OPA Form R-132) if containers provided for such tokens by the Office of Price Administration are not available; and

(3) In quantities of more than 250 but not over 1,000 in bulk envelopes (described in section 1.2 (a) (2) and (3) of General Ration Order 7).

(b) Between September 27 and October 16, 1944, inclusive, any person, other than a consumer, who does not have and is not required to have a ration bank account may exchange tokens for a ration check at any ration bank or he may exchange tokens for certificates or ration coupons at his board;

(1) In quantities of less than 250 in sealed envelopes (OPA Form R-132);

(2) In quantities of 250 in the containers provided for them by the Office of Price Administration, or in sealed envelopes (OPA Form R-132) if such containers are not available; and

(3) In quantities of more than 250 but not over 1000 in bulk envelopes (described in section 1.2 (a) (2) and (3) of General Ration Order 7).

(c) Any person who uses sealed envelopes or bulk envelopes in the way permitted by this section, must write on the face of the envelope his business name and address, that the tokens are deposited (or exchanged, as the case may be)

under the processed foods rationing program, and the number of tokens enclosed. He must also sign his name on the face of the envelope. His signature shall constitute a certification as to the truth of the statements written on the envelope.

(d) Any retailer who has more than one retail establishment may apply to the Washington Office for permission to surrender tokens at a place to be designated by the Washington Office and receive checks or certificates in exchange. If permission is granted, the retailer must surrender the tokens on or before October 16, 1944, in accordance with instructions given by the Washington Office.

[Sec. 15.13 added by Am. 53, 9 F.R. 11113, effective 9-8-44; Am. 55, 9 F.R. 11798, effective 9-25-44; Am. 56, 9 F.R. 11902, effective 9-27-44; and Am. 57, 9 F.R. 12269, effective 10-9-44]

SEC. 15.14 *Ration evidences to be issued in multiples of ten points.* (a) All ration evidences issued for processed food points under the provisions of this order shall be issued in multiples of ten points. If the computation of the amount of the points to be issued under this order to any person results in less than five points over a multiple of 10, the ration evidences shall be issued in that multiple of 10. If the computation results in five points or more over a multiple of 10, the ration evidences shall be issued in the next higher multiple of 10 points. (For example, if a consumer is entitled to obtain evidences for 23 points from a Board, the Board shall issue to him 20 points; if entitled to 25 or 26 points, the Board shall issue 30 points.)

[Sec. 15.14 added by Am. 85, effective 8-13-45]

#### ARTICLE XVI—RECORDS, REPORTS AND INSPECTIONS

SEC. 16.1 *Records must be kept for two years.* (a) Every "person" must hold, for at least two years, all records which this order requires him to keep. He must retain such records in his possession notwithstanding any amendment or revocation of any part of this order.

[Paragraph (a) amended by Am. 54, 9 F.R. 11538, effective 9-17-44]

SEC. 16.2 *Records may be inspected by Office of Price Administration.* (a) All records kept under this order may be inspected by the Office of Price Administration, through any authorized representative. The inspection may be made at a person's place of business during regular business hours. In the case of records kept on forms prepared by the Office of Price Administration, the inspection of those records may be made at any time or place fixed by the Office of Price Administration. Every person required to keep records under this order must keep them available for such inspection.

SEC. 16.3 *Places where processed foods are kept may be inspected.* (a) The Office of Price Administration, through any authorized representative, may at any reasonable time inspect any

place where "processed foods" are produced, imported or kept. Any person who produces, imports, or has processed foods, must permit such inspection of the place where he produces, imports or keeps them.

SEC. 16.4 *Records and reports are confidential.* (a) Information and documents obtained from any person under this order will not be disclosed, whether in response to a subpoena or in any other way, except to that person, unless the Administrator (or a representative of the Office of Price Administration designated by him) finds that the requested disclosure is not contrary to law and consents to it.

SEC. 16.5 *Office of Price Administration may extend time by registration and reports.* (a) The "Washington Office" may, for good cause, give any person additional time to file any registration or report which this order requires him to file. Any person who needs more time for filing a registration or report may apply, in writing, to the Washington Office. He must explain, in his application, why he needs more time. The Washington Office may impose any conditions it finds proper, when it grants such an extension of time.

SEC. 16.6 *Office of Price Administration may require applicants to give information.* (a) The Washington Office, a "board", or a district director or regional administrator may require any person who files an application or an appeal under this order to appear in person, to bring witnesses and to supply any information needed for passing on his case.

SEC. 16.7 *Persons who produce or deal in certain items similar to processed foods must file reports.* (a) Every person, who, for sale or "transfer" (1) produces fountain fruits, or (2) cans or bottles fruit or vegetable juices in hermetically sealed containers over one gallon and sterilizes them by the use of heat, or (3) cans fish or shellfish in hermetically sealed containers sterilized by the use of heat, or (4) packages dried or dehydrated vegetables or meat stocks whether or not in combination with noodles or other similar paste products, for use as a dried soup or soup base, or (5) cans or bottles soups, baby foods, vegetables, or vegetable purees, or (6) manufactures pure or imitation jams, jellies, fruit butters, marmalades, or preserves, or (7) subjects fruits, vegetables, or fruit or vegetable juices to a freezing operation as a result of which they become frozen foods, must file periodic reports on OPA Form R-1305. Such periodic reports must also be filed by the first person, other than a dehydrator or grower of fruit, who "acquires" dried or dehydrated fruit from a dehydrator or grower of fruit if he is regularly engaged in the distribution of dried or dehydrated fruit and if more than 50 per cent of such fruits sold or transferred by him are sold or transferred to persons other than "consumers." He must give all information as to those items called for by the form.

[Paragraph (a) amended by Am. 61, 9 F.R. 12072, effective 10-28-44]



(b) A person who deals in vegetables or vegetable purees, soups, or baby foods, in hermetically sealed containers of any type and sterilized by the use of heat, or in dried fruits or dry beans, peas, or lentils, and who would be a wholesaler under this order if any of those foods were included in the list of processed foods, must (except to the extent permitted by the Washington Office under section 4.2 (b) of this order) file periodic reports on OPA Form R-1310. He must give all information as to those items called for by Schedule B of that form.

[Section heading amended, paragraph (b) added, and former (b) redesignated (c) by Am. 62, 9 F.R. 12972, effective 10-28-44]

(c) The first report is for February 1943 and must be filed, by mail, with the Office of Price Administration, care of the Bureau of the Census, Washington, D. C., not later than March 10, 1943. Reports for subsequent reporting periods must be filed not later than eight days after the end of the period.

**SEC. 16.8 Records, reports, and registrations required by this order.** (a) The following records are required by this order:

(1) Processors must keep records of production, imports, acquisitions, certain transfers, and changes in point values. (Section 3.8)

(2) Processors must keep records of point-free transfers made to allow for spoilage. (Section 10.12 (c))

(3) Wholesalers must keep records of transfers, and of changes in point values. (Section 4.9)

(4) Retailers must keep records of changes in point values and of their suppliers' statements showing March 1943 transfers (Section 5.10)

(5) Processors, wholesalers, and retailers must keep records of transfers to retailers during March 1943. (Section 9.5 (f))

(6) Processors, wholesalers and retailers must keep a record of mail order sales made to consumers. (Section 9.4 (g))

(7) Wholesalers and retailers must keep a record of point-free transfers of seed beans, peas or lentils which were in their inventories March 1, 1943 or acquired thereafter for points. (Section 10.15 (a))

(8) Persons who transfer processed foods in advance of receiving points must keep a record of each such transfer. (Section 9.5 (c))

(9) Persons who transfer processed foods in imminent danger of spoilage at less than full point value must keep records. (Section 9.11 (e))

(10) Industrial users must keep a record of inventories, allotments, and use of processed food. (Section 6.9)

(11) Chains must keep records of transfers of stocks and points between establishments. (Section 10.4, 17.1)

(12) Suppliers must keep records of food transferred to certain Mexican residents. (Sections 25.3, 25.4)

(13) Consumers who sell part of their "home processed foods" must keep a record of such sales. (Sections 26.3 (b), 26.4a (a))

(14) Consumers must keep records of their sales or transfers of processed foods

custom processed for household consumption. (Section 26.5)

(15) Records must be kept for two years. (Section 16.1)

(16) Retailers who apply for adjustment because net point inventory is reduced to less than 75 percent of allowable inventory must keep a record of inventory. (Section 14.9)

[Subparagraph (16) added by Am. 70, 9 F.R. 15052, effective 12-26-44]

(b) The following reports and registrations are required by the order:

(1) Processors must register. (Sections 3.2 (a), (f), 3.10, 12.3 (a))

(2) Processors must file periodic reports of their operations. (Sections 3.2 (b), 3.6 (c), 3.9, 14.4 (b))

(3) Processors must report their inventories. (Section 3.5)

(4) Persons who produce certain items similar to processed foods must file reports. (Section 16.7 (a))

(5) Wholesalers must register. (Section 4.2 (a), (e))

(6) Wholesalers must file periodic reports of their operations. (Sections 4.2 (b), 4.10, 10.9 (b), 12.2 (c))

(7) Wholesalers must report their inventories. (Section 4.4)

(8) Wholesalers must report their sales and points on hand. (Section 4.5)

(9) New wholesalers must register and file reports. (Section 12.2)

(10) Retailers must register. (Section 5.3 (a), (d))

(11) Retailers must report their inventories. (Section 5.5)

(12) Retailers must report their sales and points on hand. (Section 5.6)

(13) New retailers must register. (Section 12.1)

(14) Processors, wholesalers, and retailers who wish to accept points from, and make transfers of processed foods to consumers by mail must notify the district office. (Section 9.4 (g))

(15) Processors, wholesalers and retailers must report to the district office defaults in surrender of points more than ten days after transfer. (Section 9.5 (c))

[Subparagraph (15) amended by Am. 60, 9 F.R. 12971, effective 11-3-44]

(16) Industrial users must register. (Sections 6.2, 6.10)

(17) Industrial users must report their inventories. (Section 6.4)

(18) Industrial users must report their base-period use. (Section 6.5)

(19) Persons who became industrial users because of changes in the list of processed foods must register. (Section 6.7)

(20) Industrial users who register late must report their inventories. (Section 6.7 (b))

(21) [Revoked]

(22) [Revoked]

(23) [Revoked]

(24) [Revoked]

[Subparagraphs (21) through (24) revoked by Am. 60, 9 F.R. 12971, effective 11-3-44]

(25) Any person who goes out of the business of dealing in or using processed foods must give notice and account for points. (Section 13.1)

(26) Reports upon sale of business. (Sections 11.1, 11.2)

(27) Persons who transfer or acquire processed foods in imminent danger of spoilage at less than full point value, must report the transfers or acquisitions. (Section 9.11 (e))

(28) Processors who transfer processed foods in imminent danger of spoilage at less than full point value must file statement with periodic reports. (Section 9.11 (h))

[Subparagraph (28) amended by Am. 60, 9 F.R. 12971, effective 11-3-44]

(29) Persons who acquire processed foods point-free for liquidation by operation of law, or in judicial proceedings must report such acquisitions. (Section 10.7 (b))

(30) Persons who transfer processed foods point-free to insurers or for salvage, must report such transfers. (Section 10.8)

(31) Insurers or salvagers who acquire processed foods point-free must report the acquisitions. (Section 10.8)

(32) Federal, state, or local institutions which receive processed foods point-free from governmental investigatory agencies, must report such acquisitions. (Section 23.8 (c))

(33) Any person who has a ration check, stamp or certificate involved in a legal proceeding must notify the district office. (Section 19.3)

(34) Exporters must account for all processed foods exported and points received in advance for such exports. (Section 22.3)

(35) Suppliers who transfer processed foods to certain Mexican residents must make reports. (Sections 25.3, 25.4)

(36) Members of a consumer group using commercial scale processing facilities must register and file a report if they wish to sell part of their share of processed foods produced there. (Section 26.6. (d))

[Sec. 16.8 added by Am. 10, 9 F.R. 2233, effective 2-29-44]

#### ARTICLE XVII—ADDITIONAL RECORDS TO BE KEPT BY CHAINS

**SEC. 17.1 Chains must keep records of transfers of stocks and points between establishments.** (a) Every "person" who has more than one "retail", "wholesale" or "processor establishment" must keep at each establishment (or at the place exercising immediate supervision over that establishment) a record in any convenient form, which shows:

(1) The amount of "processed foods" "transferred" from and "acquired" by that establishment, the date of each transfer or acquisition, and the name and address of the establishment to which the processed foods were transferred, or from which they were acquired. The record must show the amount of processed foods which were transferred and acquired, either by items and sizes, or by point value. (However, no such records need be kept for transfers of processed foods to "consumers"); and

(2) The number of points received for transfers of processed foods from that establishment, the disposition of those points, and the dates of their disposition. If the records are kept at the place exer-



cising immediate supervision over one or more establishments, a list must also be kept at that place, showing the address of each establishment whose records are kept there.

(b) In addition, he must keep for each ration bank account used by him for more than one establishment, a record showing the number of points deposited in that account by and for each such establishment, and the dates of the deposits.

#### ARTICLE XVIII—APPEALS

SEC. 18.1 *Persons directly affected by action taken under this order can appeal.*

(a) Any "person" directly affected by the action of a "board", district director or regional administrator, on any application or other matter, may appeal from that action in the way permitted by Procedural Regulation No. 9<sup>11</sup> of the Office of Price Administration.

(b) This section shall not apply to action taken on any application made under sections 12.4 or 14.5, except action taken by a board, district, or regional office which has been authorized by the Office of Price Administration to grant or deny such application.

#### ARTICLE XIX—MISCELLANEOUS RULES AND PROHIBITIONS

SEC. 19.1 *Additional prohibitions.* (a) No "person" shall use points unless he has received them in a way permitted by this or any other order of the Office of Price Administration.

(b) No person shall "transfer", "acquire" use or possess "processed foods" except in a way permitted by this or any other order of the Office of Price Administration.

(c) No person shall give or transfer points, a "stamp", "token" or a "certificate" to any other person, except in a way permitted by this or any other order of the Office of Price Administration.

(d) No person may transfer processed foods for a stamp, token, certificate or ration check if he knows or has reason to believe that it is not valid or that the person tendering it is not entitled to use it.

(e) No person shall have a stamp, token, certificate or ration check in his possession except the person (or agent of the person) to whom it was issued or by whom it was acquired in a way permitted by this or any other order of the Office of Price Administration.

(f) No person shall deface, mutilate, or destroy any stamp, token, certificate or ration check, except where permitted by this or any other order of the Office of Price Administration. A defaced or mutilated stamp, tokens, certificate or ration check is not valid for any purpose.

(g) No person shall counterfeit, forge, or alter a stamp, token, certificate or ration check, and no person shall transfer, acquire, possess or use a counterfeited, forged or altered stamp, token, certificate or ration check.

(h) No person shall offer, solicit, attempt or agree to do, or assist in doing, any act in violation of this order.

(i) Paragraphs (b), (c), (e), (f) and (g) of this section do not apply to public officials who do any of those acts in the performance of their public duties.

(j) No person shall, in any registration, report, application, or other statement or record made pursuant to or required by this order, make any untrue statement of fact, or omit to state any fact which is required to be stated or which is necessary to make a statement not misleading.

(k) No person shall, after demand, withhold a stamp, token, certificate, or ration check from the person who is entitled to have it.

[Paragraphs (c), (d), (e), (f), (g) and (k) amended by Am. 9, 9 F.R. 1908, effective 2-17-44]

(l) No person shall sell or transfer any item of processed foods at a price in excess of the applicable maximum price established for that item by the Office of Price Administration.

(m) [Revoked]

[Paragraph (m) revoked by Am. 54, 9 F.R. 11538, effective 9-17-44]

SEC. 19.2 *Stamps, tokens and certificates may not be taken by legal process or acquired by will.* (a) No stamp, token, certificate or ration check, or any interest in it, may be taken or seized by judicial process or by any court order. However, a person to whom a war ration book or a certificate has been issued may bring a legal proceeding to recover it from any person who is wrongfully in possession of it. He may, as part of that proceeding, take or seize it by judicial process or court order.

(b) No stamp, token, or certificate, or any interest in it, may be transferred or acquired by inheritance or by will.

[Sec. 19.2 amended by Am. 9, 9 F.R. 1908, effective 2-17-44]

SEC. 19.3 *Office of Price Administration must be notified of legal proceedings.* (a) Any person who has a stamp, token, certificate or ration check must notify the district office of the Office of Price Administration immediately after the beginning of any legal proceeding involving that stamp, token, certificate or check.

[Paragraph (a) amended by Am. 9, 9 F.R. 1908, effective 2-17-44]

SEC. 19.4 *General Ration Order 5 governs whenever inconsistent with this order.* (a) If any provision of this order is inconsistent with the provisions of General Ration Order 5, the provisions of General Ration Order 5 shall govern, and shall supersede the provisions of this order to the extent that they are inconsistent.

SEC. 19.5 *References to Ration Order 13 deemed references to Revised Ration Order 13.* (a) References to Ration Order 13 in any order, amendment, rationale, form, or other document shall be deemed references to Revised Ration Order 13.

SEC. 19.6 *Saving clause.* The amendment or revocation of any part of this order shall not excuse the performance of any duty imposed or affect any obligation incurred under this order (includ-

ing the duty or obligation to collect points, to give up points, to keep records and to make reports) up to the effective date of such amendment or revocation, unless the amendment or revocation shall so expressly provide. A person who, but for such amendment or revocation, would have been required to make any report after the effective date of such amendment or revocation because of any act, transaction or operation prior to that date, shall make such report with respect to those acts, transactions, or operations at the time when it would have been due but for such amendment or revocation. The part of the ration order which was amended or revoked shall be considered to remain in force for the purpose of requiring the performance of any such duty imposed or obligation incurred.

[Sec. 19.6 added by Am. 54, 9 F.R. 11538, effective 9-17-44]

#### ARTICLE XX—SUSPENSION ORDERS

SEC. 20.1 *Office of Price Administration may issue suspension orders.* (a) Any "person" who violates this order may, by administrative suspension order, be prohibited from receiving any "transfer" or delivery of, or from selling or using or otherwise disposing of, any "processed food" or other rationed product or facility. Such suspension order shall be issued for such period as in the judgment of the Administrator, or such person as he may designate for such purpose, is necessary or appropriate in the public interest and to promote the national security.

#### ARTICLE XXII—EXPORTS

SEC. 22.1 *Processed foods may be exported under General Ration Order 17.* (a) Any "person" may export "processed foods" to any foreign country or to any territory or possession of the United States (other than the District of Columbia) in accordance with the provision of General Ration Order 17.<sup>12</sup>

(b) A "processor" who does not apply for points to replace the processed foods exported, and a "wholesaler" who has not applied for an advance of points to "acquire" the processed foods exported or who does not apply for points to replace them, must attach his proof of export to his periodic report on OPA Form R-1305 (processors), or OPA Form R-1310 (wholesalers) covering the reporting period in which the export was made.

[Paragraph (b) amended by Am. 60, 9 F.R. 12971, effective 11-3-44]

[Sec. 22.1 amended by Am. 19, 9 F.R. 3513, effective 4-5-44; and as otherwise noted.]

SEC. 22.2 [Revoked]

SEC. 22.3 [Revoked]

[Secs. 22.2 and 22.3 revoked by Am. 19, 9 F.R. 3513, effective 4-5-44]

#### ARTICLE XXIII—EXEMPT AGENCIES; SHIPS' STORES; GOVERNMENTAL INVESTIGATORY AGENCIES

SEC. 23.1 *Exempt agencies may acquire processed foods.* (a) Nothing in this order restricts the amounts of "processed foods" which may be "ac-

<sup>12</sup> 9 F.R. 3508, 8986.

<sup>11</sup> 7 F.R. 8796; 8 F.R. 856, 1838, 2030, 2595, 2941, 4350, 4929, 7381, 11480, 11806, 12482, 14211; 9 F.R. 1594, 4539, 10491.



quired" by the Army, Navy, Marine Corps or Coast Guard of the United States or by the Maritime Commission, War Shipping Administration, Office of Lend-Lease Administration or Office of Distribution of War Food Administration. (These agencies are referred to in this order as "exempt agencies" and are exempt agencies for the purpose of General Ration Order 3B.) In addition, the Army Exchange Service, to the extent it acquires processed foods for export to a foreign country or a territory or possession of the United States (except the District of Columbia), and ships' service departments afloat, are exempt agencies under this order and General Ration Order 3B, and may acquire processed foods without restriction as to quantity.

[Paragraph (a) amended by Am. 28, 9 F.R. 4604, effective 4-30-44]

**SEC. 23.2 How exempt agencies acquire processed foods.** (a) Each of the agencies listed in section 23.1 is authorized to open one or more exempt ration bank accounts of the type described in General Ration Order 3B. Processed foods may be "transferred" to and acquired by these agencies only in exchange for points in the form of ration checks equal to the point value of the processed foods transferred. However, processed foods may be transferred between or within these agencies without the surrender of points.

(b) Any "person" who transfers processed foods to any of these agencies must, at or before the time of delivery, submit to it an invoice or other statement for the points payable on account of the transfer. The ration check must be sent to the transferor by the time of delivery or as soon as practicable thereafter.

(c) If for any reason a ration check cannot be used when one of these agencies acquires processed foods, an emergency acknowledgment shall be given to the transferor, instead of a check. This acknowledgment may be in any form, but must show the name of the agency, the name and address of the activity within the agency for which the processed foods are acquired, the name and address of the activity to which the emergency acknowledgment must be sent for replacement by a ration check, the point value of the processed foods acquired, and the date of acquisition. The acknowledgment must be signed by an authorized officer or employee of the agency, and must show his official title or rank. A person to whom such an acknowledgment is given may not exchange it at a "board" or use it to acquire processed foods but must send it to the agency activity designated thereon, and a ration check for the amount of processed foods transferred shall be given to him in exchange for the acknowledgment.

**Sec. 23.3 Post exchanges and ships' service departments ashore may acquire processed foods for points.** (a) Processed foods may be transferred to and acquired by Army exchanges, post exchanges of the Marine Corps, ships' service departments ashore of the Navy and Coast Guard, commissary stores and

ships' service departments of the Training Organization of the War Shipping Administration, and other similar activities designated by the respective exempt agencies, only in exchange for points in the form of ration checks equal to the point value of the processed foods transferred, without regard to who transfers them. However, these activities may not open ration bank accounts with unlimited drawing privileges of the type described in General Ration Order 3B. Points needed by these activities for the acquisition of processed foods will be issued to them in accordance with arrangements between the Office of Price Administration and the Army Exchange Service of the United States War Department, the Bureau of Naval Personnel of the Navy Department, the Coast Guard and the Marine Corps, and the Training Organization of the War Shipping Administration. (The issuance of points for use by Army exchanges, post exchanges and ships' service departments ashore for the acquisition of processed foods for institutional use is covered by General Ration Order 5.)

(b) Any person who transfers processed foods to any of the activities enumerated in paragraph (a) must, at or before the time of delivery, submit to it an invoice or other statement for the points payable on account of the transfer. The ration check must be sent to the transferor by the time of delivery or as soon as practicable thereafter.

(c) Points may be transferred freely without a transfer of processed foods among ration bank accounts maintained for Army exchanges, among accounts maintained for post exchanges, among accounts maintained for ships' service departments ashore of the Navy, among accounts maintained for commissary stores and ships' service departments of the Training Organization of the War Shipping Administration, and among accounts maintained for ships' service departments ashore of the Coast Guard.

(d) During March 1943, Army exchanges, post exchanges, ships' service departments ashore, and similar designated activities, may, if ration checks are unavailable, use emergency acknowledgments to acquire processed foods, in the way described in section 23.2 (c). An emergency acknowledgment issued under this section may not be used by the person to whom it was issued to acquire processed foods, but must be exchanged for a ration check at the activity designated thereon.

**Sec. 23.4 Sales commissaries, post exchanges and ships' service departments ashore may transfer processed foods for points.** (a) Army exchanges, post exchanges, ships' service departments ashore, sales commissaries, commissary stores, and any other activity of the Army, Navy, Training Organization of the War Shipping Administration, Marine Corps or Coast Guard and the Office of Distribution of War Food Administration may transfer processed foods only in exchange for points in the same way as "retailers" are permitted to make transfers under this order. However, they are not required to register as retailers, "wholesalers", or "processors".

(b) All points so received by Army exchanges, post exchanges, ships' service departments ashore, sales commissaries, commissary stores, or any other activity of the Army, Navy, Training Organization of the War Shipping Administration, Marine Corps or Coast Guard or by the Office of Distribution of War Food Administration must be deposited in the ration bank accounts maintained for them. These points may then be used to acquire other processed foods.

[Paragraphs (a) and (b) amended by Am. 28, 9 F.R. 4604, effective 4-30-44]

**SEC. 23.5 Veterans' Administration and Coast and Geodetic Survey may apply for allotments under General Ration Order 5.** (a) Allotments of processed foods for the Veterans' Administration and the Coast and Geodetic Survey will be granted in accordance with the provisions of General Ration Order 5.

**SEC. 23.6 Industrial users may replenish foods used in products transferred to agencies designated in General Ration Order 11.** (a) Any "industrial user" who, before July 1, 1943, transfers to any exempt agency any products which he manufactured after February 28, 1943, in the manufacture of which he used processed foods may apply to and obtain from his board a "certificate" equal in point value to the processed foods used by him in such products. The application shall be made on OPA Form R-315, on or before August 1, 1943, and shall set forth the nature and amount of the products, the time when the products were manufactured, the date when such products were transferred and the amount of processed foods he used in such products. The application shall be accompanied by such evidence of transfer to the exempt agency as the board may require. If a certificate is issued under this section, the industrial user's allotment for the allotment period in which it is issued shall be considered increased by the amount of the certificate.

(b) Any industrial user who used a processed food in products which are acquired on or after July 1, 1943, by any of the designated agencies covered by General Ration Order 11, may apply for replacement or advance of such processed foods under the conditions and in accordance with the procedure set forth in General Ration Order 11.

**SEC. 23.7 Ships' and planes' stores.** (a) Processed foods may be acquired for use as ships' and planes' stores under the provisions of General Ration Order 5.

(b) Any operator of a vessel or plane to whom a statement has been issued by a Collector of Customs (or Military Officer) under section 21.2 or 21.3 of General Ration Order 5 may acquire processed foods up to the amount authorized thereon without surrendering points. Any retailer, wholesaler or processor may, in exchange for the statement, transfer to the operator of the vessel or plane, without getting points, processed foods up to the amount specified on the statement.

(c) A retailer or wholesaler may exchange such statement for a certificate, at his board. He must attach to the statement a signed receipt, invoice, or



other evidence to prove the transfer of the processed foods. If the board is satisfied that the processed foods were transferred as ships' or planes' stores, it shall issue a certificate to the retailer or wholesaler for the number of points needed to replace the processed foods transferred. A processor must send the Customs Collector's (or Military Officer's) statement and the attached receipt or other evidence with his periodic report (on OPA Form R-1305) to the Office of Price Administration, care of the Bureau of Census, Washington, D. C.

(d) An airplane operator who has been allowed an operating inventory under section 21.4 of General Ration Order 5 may exchange for a certificate a statement issued by a Collector of Customs (or Military Officer) under section 21.3 of that order at a board covering any area where the operator maintains an office.

**SEC. 23.8 Governmental investigatory agencies may acquire processed foods needed in their investigations.** (a) An investigatory agency of the United States or of any State or local government which needs processed foods in order to perform its inspections or investigations may apply for points to acquire them. The application must be in writing, on an official letterhead of the agency (if any is available), and must state the name of the agency, the purpose for which points are needed, the period during which they are needed, and the number of points required. An agency of the United States may make its application to the "Washington Office," or to any district office. An agency of a State or local government shall apply to the district office. If the district or Washington Office finds that points are needed in order to carry on the investigatory activities of the agency, it shall issue one or more certificates for the number of points required.

(b) The Food and Drug Administration of the Federal Security Agency (which is hereby designated an exempt agency for this purpose) may open one or more exempt ration book accounts of the type described in General Ration Order 3B. However, it may issue ration checks against those accounts only to acquire processed foods which are needed for inspection or investigation.

(c) Any government agency which acquires processed foods for purposes of inspection or investigation may, after they have served the purpose for which they were acquired, dispose of them to any federal, state or local institution without receiving points for them. The institution which receives the processed foods shall report in writing the amount received and the date on which it was received to the district office for the area in which it is located. Its allotment shall not be regarded as increased by such acquisition.

**SEC. 23.9 Issuance and use of checks by Extension Service of Department of Agriculture.** (a) The Extension Service of the Department of Agriculture may open a ration bank account. It may deposit in that account ration checks issued to it by the Office of Price

Administration for the use of foods for educational purposes and may issue checks on that account to any State Director of a State agricultural Extension Service.

(b) A State Director of a State agricultural Extension Service may open a ration bank account. He may deposit in that account ration checks issued to him by the Extension Service of the Department of Agriculture for the use of foods for educational purposes and may issue checks on that account to persons who may use the points to acquire processed foods. Such foods may be used only for the educational purposes sponsored by the State agricultural Extension Service.

[Paragraphs (a) and (b) amended by Am. 43, 9 F.R. 7202, effective 7-3-44]

(c) A person who receives a check from a State Director of a State agricultural Extension Service may exchange that check for one or more certificates or ration coupons at any board.

#### ARTICLE XXIV—[REVOKED]

SEC. 24.1 [Revoked]

SEC. 24.2 [Revoked]

[Sec. 24.2 amended by Am. 4, 9 F.R. 848, effective 1-26-44]

SEC. 24.3 [Revoked]

SEC. 24.4 [Revoked]

SEC. 24.5 [Revoked]

SEC. 24.6 [Revoked]

SEC. 24.7 [Revoked]

SEC. 24.8 [Revoked]

SEC. 24.9 [Revoked]

[Sec. 24.9, amended by Am. 25, 9 F.R. 4026, effective 4-18-44]

[Article XXIV, including sections 24.1 through 24.9 revoked by Am. 54, 9 F.R. 11538, effective 9-17-44]

#### ARTICLE XXV—ACQUISITION OF PROCESSED FOODS BY RESIDENTS OF MEXICO

**SEC. 25.1 Residents of Mexico may acquire processed foods in the United States.** (a) Any "consumer" who resides in Baja California, Mexico, within ninety kilometers of the border between Mexico and the United States, or in any other part of Mexico within twenty kilometers of that border, may apply for points to "acquire" "processed foods" in the United States. The application must be made in person on OPA Form R-183 (Revised), to the "board" whose office is nearest his customary point of entry into the United States. A single application must be made by the applicant for himself and for all members of his family unit (that is, for all persons living in his household who are related to him by blood, marriage, or adoption) who wish to acquire processed foods. An application may be made by a person under eighteen years of age only if he is the head of a household or is not a member of a family unit. However, if an applicant is unable to complete and sign the application or is unable to appear in person before the board, anyone may act for him if the board is satisfied that such person has been given authority to act as agent for the appli-

cant in completing, signing, and presenting the application.

(b) The application must be completed and signed by the applicant or his agent and must show:

(1) The applicant's name, address and age;

(2) The names and ages of all consumers living in his household who are related to him by blood, marriage or adoption and who wish to acquire processed foods in the United States;

(3) The serial number of the applicant's "immigration document" and any immigration documents issued for use by the consumers named in the application. The applicant, or his agent must present all such immigration documents to the board at the time the application is made and shall also give any other information that the board may request. The immigration documents shall be returned by the board to the applicant or his agent as soon as the board has examined them.

(c) If the applicant complies with the requirements of paragraphs (a) and (b), the board shall grant the application and shall issue ration cards (OPA Form R-184, Revised) for processed foods as provided in this article.

(d) A consumer who has previously applied on OPA Form R-183 for points to acquire processed foods in the United States is not required to make a new application on OPA Form R-183 (Revised) unless, since the date of his last application, there has been a change in the number or identity of the members of his household related to him by blood, marriage, or adoption who wish to acquire processed foods in the United States. The board will issue ration cards (OPA Form R-184, Revised) for processed foods to such a consumer at any time after July 1, 1944, without requiring a new registration, if the applicant or his agent appears in person at the board and surrenders the expired punch card (OPA Form R-184) issued to him under this article as it read before July 1, 1944, and presents any immigration document issued for use by the consumers named in the card. The immigration documents shall be returned by the board to the applicant or his agent as soon as the board has examined them. If any such punch card has been lost, destroyed or stolen, and the applicant has not received a duplicate card, the board may waive the requirement that such card must be surrendered.

(e) The monthly ration of processed foods for each consumer for whom the application is granted shall not exceed the number of points fixed by the district director for the area in which the applicant's board is located, as provided in paragraph (f) of this section.

(f) Each district director whose area includes a point of entry between Mexico and the United States, shall, on or before July 1, 1944, fix the number of points per month (in multiples of ten) which the respective boards may issue for each consumer for whom rations are granted for the acquisition of processed foods in the United States. The amount of such monthly ration may be changed at any time thereafter by such district director. However, in no event may the monthly



ration exceed the total number of points validated during that month for use by consumers who have War Ration Books. In determining the amount of the monthly ration, the district director shall take into consideration the available supply of processed foods in the parts of Mexico adjacent to the customary points of entry in his district

[Paragraph (f) amended by Am. 70, 9 F.R. 15052, effective 12-26-44]

#### SEC. 25.2 *Issuance of ration cards.*

(a) Ration cards (OPA Form R-184, Revised) for processed foods shall be issued for periods of three calendar months or less. All ration cards (OPA Form R-184, Revised) shall have an earliest renewal date, which shall be the first day after the expiration of the period for which the card is issued. A board may, in its discretion, issue ration cards for any period of time less than three months.

(b) The board shall issue one ration card (OPA Form R-184, Revised) for each consumer or group of consumers for whom an application has been granted. However, if the application is granted for more than four consumers, one additional ration card shall be issued for each additional four consumers or less. The board shall write in the place provided on such cards, the date on which the card is issued, the earliest renewal date and the name and serial number of the immigration documents of the applicant and all other consumers for whom the application is granted. Before issuing a ration card for processed foods, the board shall remove in horizontal strips, starting at the bottom of the card, the requisite number of coupons, so that the card, when issued, will contain coupons only for the number of points for which the application is granted, for the consumers whose names appear on the ration card. The board shall also write upon the immigration document of each consumer for whom rations are granted the letters "P. F." and the serial number of the ration card issued for him.

(c) If any consumer for whom a ration card has been issued under this article secures a new immigration document, such ration card may not be used to acquire processed foods in the United States until the applicant or his agent appears in person at the board and presents such ration card and the new immigration document. The board shall delete the serial number of the old immigration document and record in its place the serial number of the new immigration document. The person who records the serial number of the new immigration document must initial the change. He must at the same time record the serial number of the new immigration document on the application (OPA Form R-183 or OPA Form R-183, Revised) for that consumer. The board shall also write upon the new immigration document the letters "P. F." and the serial number of the ration card.

(d) A ration card for processed foods shall have no expiration date and may be used at any time by the consumer for whom it is issued or any member of his family unit for the acquisition of processed foods from any "processor",

"wholesaler", "retailer", "country shipper" or "grower" in the United States.

(e) On or after the earliest renewal date of a ration card for processed foods, the applicant's board shall issue a new ration card (OPA Form R-184, Revised) if the applicant, or his agent appears in person at the board and returns the cards of the consumers for whom rations were previously issued. (However, if a previously issued card has been lost, destroyed, or stolen, the board may waive the requirement that such card must be returned.) He must also present the immigration document of each consumer for whom rations are requested. No new application (on OPA Form R-183, Revised) is needed for the issuance of ration cards to replace previously issued ration cards unless, since the date of the last application, there has been a change in the number or identity of the members of applicant's household related to him by blood, marriage, or adoption who wish to acquire processed foods in the United States. Acceptance by the applicant of ration cards for succeeding periods shall constitute a representation by the applicant that the consumers for whom rations are requested are the same as those covered on the card or cards previously issued by the board and that the number of such consumers has not been reduced. New ration cards will be issued for periods of three calendar months or less and no rations may be granted for any period of time which has elapsed since the earliest renewal date of any previously issued ration card.

#### SEC. 25.3. *Issuance of ration cards to certain applicants by the district office.*

(a) Any consumer who resides in Mexico, within the area described in section 25.1 (a) who desires to acquire processed foods in the United States and who is not eligible for rations under any other provisions of this article, or who needs more processed foods than he can get with his ration card (OPA Form R-184, Revised) may apply on OPA Forms R-183 (Revised) to the board nearest his customary point of entry into the United States for additional rations. The application must show why the applicant cannot receive a ration card under the other provisions of this article or why he needs more processed foods. A board may not act upon an application under this section, but shall send it, together with all other information received and its recommendations to the district office. If the district office finds that the applicant resides within the area described in section 25.1 (a) and that he does not have and cannot get an immigration document or that his health depends upon his getting more processed foods than the monthly ration fixed by the district director, it may approve the application and return it to the board with instructions for the issuance of such rations as may be directed by the district office. If the district office finds that the applicant does not have an immigration document it shall instruct the board to insert the word "waived" in the space provided for the serial number of the applicant's immigration document.

SEC. 25.4 *Value and use of coupons by residents of Mexico.* (a) Each coupon on a ration card (OPA Form R-184, Revised) is worth ten points and is good for use as provided in this article for an unlimited time by the consumer or consumers for whom it is issued. A resident of Mexico gives up points when he acquires processed foods in the United States by surrendering coupons from his ration card or tokens. Coupons must be given up at the time the processed foods are acquired and must be detached from the ration card (OPA Form R-184, Revised) in the presence of the person who is selling or transferring the processed foods. Loose coupons may not be used by a resident of Mexico or any other person and they must not be accepted by the seller or transferor. If it is impossible to detach coupons exactly equal to the point value of the processed foods transferred because their point value is not an exact multiple of ten, coupons of the nearest higher point value must be detached and the transferor must return the excess number of points to the consumer in the form of tokens.

SEC. 25.5 *How suppliers may replace inventory of processed foods transferred to residents of Mexico.* (a) A processor, wholesaler, retailer, country shipper, or grower who gets coupons from a resident of Mexico in the way permitted by this article, may not deposit those coupons in his ration bank account or use them to acquire processed foods. He may only surrender such coupons, at any time, to the board for the area in which his establishment is located in exchange for a certificate equal to the point value of the surrendered coupons.

SEC. 25.6 *Surrender of points by suppliers from whom processed foods were acquired before July 1, 1944.* (a) Any retailer, wholesaler, processor, country shipper or grower who was designated as a supplier on punch cards issued before July 1, 1944, to residents of Mexico, must surrender the total number of points he owes, if any, on or before July 10, 1944, to the board for the area in which he is located. (The total number of points which he owes is the total number of points given him by all certificates previously issued to him under this article as it read before July 1, 1944, less the point value of all processed foods transferred by him to residents of Mexico up to July 1, 1944.) He shall, at the same time, give to the board a written statement showing:

(1) The total point value of all such cards issued for the months of May and June 1944;

(2) The total number of unused points left on such cards; and

(3) The total number of points given to him by certificates issued under this article for the months of May and June 1944.

SEC. 25.7 *Records of suppliers from whom processed foods were acquired before July 1, 1944.* (a) Any retailer, wholesaler, processor, country shipper or grower who was designated by an applicant as the supplier from whom processed foods were to be acquired before



July 1, 1944, shall maintain and keep at his place of business the cards which he was required to make out for each such applicant before July 1, 1944.

**SEC. 25.8 Records and reports by suppliers who transferred processed foods to residents of Mexico before July 1, 1943.**

(a) Any retailer, wholesaler, processor, country shipper or grower to whom a certificate has been issued under this article prior to July 1, 1943, shall maintain and keep at his place of business a record showing the name of each applicant for whom he has received such certificate, the point value of each certificate and of all processed foods transferred against it and the dates of such transfers. Before the 10th day of July 1943, he must give to his board a written statement showing the total point value of all certificates received by him for June 1943 and the total point value of all transfers of processed foods made under such certificates during that month.

[Article XXV amended by Am. 1, 9 F.R. 104, effective 1-1-44; Am. 13, 9 F.R. 2440, effective 3-1-44; and Am. 37, 9 F.R. 6234, effective 7-1-44]

#### ARTICLE XXVI—HOME PROCESSED FOODS

**NOTE:** The limitations (including limitations on amounts of foods which may be transferred), restrictions, conditions, record-keeping and reporting requirements set forth in this Article XXVI do not apply to processed foods while they have a zero point value. For the purposes of this article, such foods are treated, and may be transferred or acquired, just as if they were not rationed at all.

[Title of Article XXVI amended by Am. 38, 9 F.R. 6235, effective 6-10-44]

**SEC. 26.1 Explanation of terms home processor and home processed foods—**  
(a) *Processed foods produced in kitchen are home processed foods.* "Processed foods" produced in a "kitchen" are "home processed foods".

(1) "A person" is considered to "produce" home processed foods, for the purposes of this Article, if he or a member of his "family unit":

[Above paragraph amended by Am. 17, 9 F.R. 3032, effective 3-23-44]

(i) Takes an active part in the processing of such foods; or

(ii) Contributes the fruits or vegetables for processing by others; or

(iii) Contributes facilities, such as steamers, pressure cookers, or the kitchen, to be used by others to produce such foods.

(2) The term "kitchen" means a place used principally for the preparation of meals. It includes a place used principally to teach consumers how to prepare food.

**SEC. 26.2 Person may consume or use home processed foods he produces and may give away limited amounts—**  
(a) *Points need not be given up for use.* A consumer may consume home processed foods he produces, and may let members of his "family unit", and others who eat at his table or on a farm he operates, consume them, without giving up points.

[Section heading and above paragraph amended by Am. 25, 9 F.R. 4026, effective 4-18-44]

(1) A "family unit" consists of all persons related by blood, marriage, or adoption, who regularly reside in the same household.

(b) *Gifts.* He and the members of his family unit may give (but not sell) such foods to any other person without receiving points, but no more than one hundred (100) quarts (or two hundred (200) pounds) of such foods per member may be given away point-free by the family unit in any calendar year. (One quart of processed foods is considered the equivalent of two pounds.)

[Paragraph (b) amended by Am. 17, 9 F.R. 3032, effective 3-23-44]

(c) *Industrial user may use home processed foods produced by him.* An industrial user may, without giving up points, use, at his industrial user establishment, home processed foods produced by him. (However, he must report his use of such home processed foods in the way required by section 6.6 (f) of this order.)

[Paragraph (c) added by Am. 25, 9 F.R. 4026, effective 4-18-44]

**SEC. 26.3 A person may sell home processed foods he produces—**  
(a) *He may sell only for points.* A person may not sell or "transfer" home processed foods produced by him (except for those he is permitted to give away point-free under section 26.2 (b)) unless he gets points equal to the point value of the foods so transferred. He must also get points for any gifts made in excess of the amount permitted by section 26.2 (b). (The point value of home processed foods is fixed in a supplement.)

[Paragraph (a) amended by Am. 4, 9 F.R. 848, effective 1-26-44]

(b) *He must keep records and surrender points to board.* For this purpose he need not register or make reports as a "processor" but must keep a record of any transfer he makes, showing the amount and date of the transfer, and the name and address of the person to whom the transfer is made. If he transfers home processed foods produced with sugar obtained under section 2.3 of Second Revised Ration Order 3, he must at the same time, report in writing to his board the kinds and amounts of such foods transferred by him for points during the preceding month. If he makes any transfers of home processed foods for points during any month, he must give up the points to his "board," on or before the tenth day of the next month.

[Paragraph (b) amended by Am. 17, 9 F.R. 3032, effective 3-23-44; and Am. 70, 9 F.R. 15052, effective 12-26-44]

**SEC. 26.4 Person producing processed foods in place other than a "kitchen" may get permission to treat them as home processed foods—**  
(a) A person may produce processed foods in a place not used principally either for the preparation of meals or for teaching consumers how to prepare food (and hence not a "kitchen" as defined in section 26.1 (a) (2)). Yet the facilities he uses may not differ substantially from those ordinarily found in a "kitchen" and may clearly not be commercial-scale processing facilities. For example, a farmer may have a kitchen in his home, where

the meals for his household are prepared, and separate facilities elsewhere on his premises, perhaps in a shed, consisting of a stove, and a steamer or pressure cooker. A person who has such a place and facilities may apply to his board in writing for permission to treat the processed foods produced there as "home processed foods". He shall describe the facilities he intends to use, the purposes for which those facilities are ordinarily used, the total amount of processed foods he expects to produce there, and the disposition to be made of such processed foods.

(b) If the board finds that the facilities to be used are clearly not commercial-scale processing facilities and do not differ substantially from those ordinarily found in a kitchen, it shall notify the applicant that the foods so produced may be treated as home-processed foods. The applicant may then use and transfer them as permitted by sections 26.2 and 26.3 of this order.

#### SEC. 26.4a [Revoked]

[Sec. 26.4a amended by Am. 4, 9 F.R. 848, effective 1-26-44; Am. 17, 9 F.R. 3032, effective 3-23-44; revoked by Am. 54, 9 F.R. 11538, effective 9-17-44]

**SEC. 26.5 Person may have foods grown by members of his family unit processed by a processor for household consumption—**  
(a) *He may acquire such foods point-free.* A person may "acquire" from a processor, point-free, processed foods produced for him from foods which he or members of his family unit have grown, if he supplies all the ingredients in an amount necessary to produce such foods but only if that processor regularly produced processed foods in the past for consumers from ingredients wholly supplied by them. Not more than one hundred (100) quarts of such processed foods per member may be acquired by or for any family unit under this section in any calendar year. He may acquire such processed foods point-free only if he gives to the processor a signed statement that the foods to be processed were grown by a member of his family unit, together with the names of each member of his family unit. The processor shall retain this statement for one year.

[Paragraph (a) amended by Am. 17, 9 F.R. 3032, effective 3-23-44; and Am. 60, 9 F.R. 12971, effective 11-3-44]

(b) *He may consume such foods or give them away.* He may consume such foods, and let the members of his family unit, and others who eat at his table or on a farm he operates, consume them, without giving up points. He and the members of his family unit may give (but not sell) such foods to any other person without receiving points.

[Paragraph (b) amended by Am. 17, 9 F.R. 3032, effective 3-23-44; and Am. 60, 9 F.R. 12971, effective 11-3-44]

(c) *He may sell only for points, and must surrender points he gets to the board.* He may not sell any of such foods unless he gets points equal to the point value of the foods sold. Such foods are not home processed foods and they may be sold only at their regular point value, as fixed in a supplement to this order,



rather than at the point value of home processed foods. For this purpose, he need not register or make reports but must keep a record of any sale he makes, showing the amount and date of the sale, and the name and address of the person to whom the sale is made. If he makes any sales during any month, he must give up the points received for that sale to his board on or before the tenth day of the next month.

[Paragraph (c) amended by Am. 4, 9 F.R. 848, effective 1-26-44; and Am. 17, 9 F.R. 3032, effective 3-23-44]

**SEC. 26.6. Consumers may acquire and use processed foods they produce in commercial scale processing facilities.** (a) A member of a group of persons which produces processed foods in commercial scale processing facilities primarily for consumption in their households or on farms they operate, may acquire his share of the processed foods so produced point free only if:

(1) The facilities used have not been operated commercially since January 1, 1943, or are not customarily operated commercially during the periods when the processing will be done by the group; and

(2) He, or a member of his family unit, takes an active part in the processing of such foods, or grew the fruits or vegetables being processed.

(b) Any member of a group which wishes so to produce processed foods may make application to his board in writing, on behalf of the group, stating:

(1) The name and address of each member of the group;

(2) The facts which bring the group under paragraph (a);

(3) The total amount of processed foods to be produced; and

(4) The disposition to be made of the foods produced.

(c) If the board finds that the group and its members meet all the requirements of paragraph (a) of this section, it shall approve the application. If the facilities to be used were operated commercially after January 1, 1943, but are no longer so operated, the board may still approve the application if it finds that commercial operations, were not ended solely or partly for the purpose of enabling the members of the group to produce processed foods there for their own use.

(d) If the board approves the application, each member of the group covered by the application may acquire his share of the processed foods so produced point free, and may consume it and let the members of his family unit and others who eat at his table or on a farm he operates consume it without giving up points.

(e) Not more than one hundred (100) quarts of such processed foods per member may be acquired point free by or for any family unit under this section in any calendar year unless the board finds:

(1) That the use of the facilities is supervised or sponsored by a federal, state or local government or government agency; or

(2) That the facilities are part of a bona fide community processing project

which is open for use by all members of the community.

(f) Any person who acquires processed foods under this section without giving up points may give (but not sell), his share to any other person, but not more than one hundred (100) quarts of such foods per member may be given away point free by a family unit in any calendar year.

(g) Processed foods produced pursuant to this section are not home processed foods. A person who sells or transfers any such foods except for the amount he is permitted to give away point free by paragraph (f), is considered a processor as to that part. He must register and file the reports required by section 3.2 of this order. He may make such transfers only in exchange for points equal to the regular point value of the processed foods transferred, as fixed in a supplement to this order, rather than at the point value of home processed foods.

[Sec. 26.6 amended by Am. 4, 9 F.R. 848, effective 1-26-44; and Am. 17, 9 F.R. 3032, effective 3-23-44]

**SEC. 26.7 Certain community groups may apply to Washington Office for an exception—**(a) In certain instances, as in the case of some religious groups or sects, communities carry on their activities and produce and distribute foods among their members on a cooperative basis. In such cases, certain members of the community may produce processed foods from fruits and vegetables grown by members, while others produce other types of foods. The various types of foods produced may then be interchanged, but many members of the community who get the processed foods may not have been members of the group which produced them and so may not meet the requirements of this Article. If, in such case, the processed foods are produced exclusively for consumption by members of the community, the group may apply to the Director of the Food Rationing Division, Office of Price Administration, Washington, D. C., for an exception permitting distribution of such processed foods to any members of the community. The application must be in writing, in any form, and must show the manner in which the community operates, the type of facilities used for processing, the source of the foods processed, the amount of processed foods produced, and the class of persons by whom they are produced and to whom they are to be distributed.

(b) The Director of the Food Rationing Division will act on the application according to the circumstances of the case and may, in his discretion, permit distribution of the foods among the members of the community in such manner and under such conditions as he establishes.

**SEC. 26.8 Institutional users (other than Group I institutional users) may use and transfer processed foods they produce as provided in General Ration Order 5.** (a) This article does not apply to the production of processed foods for use in, or to the use of processed foods in, "institutional user establishments" other

than Group I institutional user establishments. The production, use, and transfer by such "institutional users" of home processed foods and of other processed foods they produce, are governed by General Ration Order 5.

[Sec. 26.8 amended by Am. 17, 9 F.R. 3032, effective 3-23-44]

#### SEC. 26.9 [Revoked]

[Sec. 26.9 added by Am. 25, 9 F.R. 4026, effective 4-18-44; revoked by Am. 54, 9 F.R. 11538, effective 9-17-44]

**SEC. 26.10 Applicability.** The provisions of this Article apply whether or not the home processed foods are produced within the forty-eight states of the United States and the District of Columbia.

[Sec. 26.10, formerly 26.9, redesignated by Am. 25, 9 F.R. 4026, effective 4-18-44]

#### ARTICLE XXVII—DEFINITIONS

**SEC. 27.1 Definitions.** (a) When used in this order:

(1) "Acquire" means to accept a "transfer" or to get possession or title in any other way.

(2) "Board" means a war price and rationing board established by the Office of Price Administration.

(3) "Certificate" means a certificate on OPA Form R-1201, or on OPA Form R-306 revise in accordance with section 15.7.

(4) "Consumer" means any "person" who "acquires" "processed foods" for personal use, or for use at a table at which he eats.

(5) "Industrial user" means any "person" who has an "industrial user establishment".

(6) "Industrial user establishment" means any place where a "person" uses "processed foods" in producing or manufacturing, for sale or "transfer", any product which is not a processed food. It also includes any place (except places where processed foods are used for sampling or demonstration in accordance with section 10.9 or a place where processed foods are used only for educational purposes under the direction of the Department of Agriculture or the Extension Service of the Department of Agriculture) at which processed foods are used for experimental, educational, testing or demonstration purposes.

[Subparagraph (6) amended by Am. 4, 9 F.R. 848, effective 1-26-44]

(7) "Institutional user" means any "person" who has an "institutional user establishment".

(8) "Institutional user establishment" means an institutional user establishment as defined in General Ration Order 5. (With certain exceptions, it means any place where a "person" uses a rationed food in the preparation of food which he serves to "consumers", or in the service of food to consumers.)

(9) "Person" means not only an individual, but also a partnership, corporation, association, or business trust. It includes a government, government agency and any other organized group or enterprise.

(10) "Processed foods" means the following fruits and purees, fruit juices,



vegetables and purees, and vegetable juices in hermetically sealed containers of any type and sterilized by the use of heat:

[Above paragraph amended by Am. 70, 9 F.R. 15052, effective 12-26-44]

(i) *Fruits and purees (including fruits which contain added thickening agents other than pectin).*

Apples (excluding crabapples).  
Applesauce.  
Apricots.  
Berries.  
Cherries.  
Cranberries or sauce (whole, strained, or jellied).  
Figs.  
Fruit cocktail, fruits for salad, or mixed fruits.  
Peaches.  
Pears.  
Pineapple.  
Plums.  
Prunes.

[Subparagraph (i) amended by Am. 78, 10 F.R. 5526, effective 5-18-45 and Am. 80, 10 F.R. 6308, effective 6-2-45]

(ii) *Fruit juices.*

Grape juice.  
Grapefruit juice.  
Orange juice.  
Orange-grapefruit juice blended.  
Pineapple juice.

(iii) *Vegetables and purees (excluding purees in No. 10 or larger size containers).*

Asparagus.  
Beans, fresh lima.  
Beans, green or wax.  
Beets.  
Carrots.  
Corn.  
Greens (including only beet, collard, dandelion, kale, mustard, poke, or turnip greens).  
Peas, except soaked dry peas.  
Pumpkin.  
Spinach.  
Squash.  
Tomatoes (except tomato puree).  
Tomato catsup or chili sauce.

Mixed vegetables (include only succotash, carrots and peas, or other mixed vegetables containing over twenty percent by weight of vegetables listed under this subdivision).

[Subparagraph (iii) amended by Am. 70, 9 F.R. 15052, effective 12-26-44 and Am. 80, 10 F.R. 6308, effective 6-2-45]

NOTE: Foods in the above group which are not covered by this order are listed in Appendix A. The foods listed in Appendix A are not "processed foods" as that term is used.

[Subparagraph (10) amended by Am. 3, 9 F.R. 574, effective 1-2-44; Am. 28, 9 F.R. 4604, effective 4-30-44; Am. 35, 9 F.R. 5695, effective 5-29-44; Am. 54, 9 F.R. 11538, effective 9-17-44; and as otherwise noted]

(11) "Processor" means any "person" who has a "processor establishment".

(12) "Processor establishment" means any place where a "person" produces "processed foods" for sale or "transfer."

[Above paragraph amended by Am. 70, 9 F.R. 15052, effective 12-26-44]

(i) A person is considered to "produce" processed foods if he:

(a) Bottles, cans, or packs any of the products, which are included within the definition of processed foods in Section 27.1 (a) (10), in hermetically sealed containers and sterilizes them by the use of heat; or

(b) Packs fruit or vegetable juices (which are included within the definition of processed foods in section 27.1 (a) (10) from containers over one gallon into hermetically sealed containers of one gallon or less and sterilizes them by the use of heat; or

(c) Uses processed foods to produce other processed foods.

[Subparagraph (i) amended by Am. 54, 9 F.R. 11538, effective 9-17-44; Am. 60, 9 F.R. 12971, effective 11-3-44; and Am. 70, 9 F.R. 15052, effective 12-26-44]

(ii) The term "processor establishment" also means any place to which a person imports processed foods into the United States, from any place outside the United States, for sale or transfer. It also includes a place at which a person does not produce or import processed foods, if he regularly keeps there, for sale or transfer, only processed foods which he himself produced or imported.

The term "processor establishment" also means a place where a person keeps, for sale or transfer, processed foods produced or imported by someone else, if the person keeping such processed foods also produces processed foods, whether at that place or elsewhere, and if he does not, in any one calendar year, "acquire" (at all his establishments together, of whatever type) for sale or transfer more processed foods produced or imported by someone else than 10 percent by weight of the processed foods he himself produced or imported in the previous calendar year.

Finally, there is one other case in which a place where a person keeps stocks of processed foods produced or imported by someone else is a processor establishment. If he keeps those stocks at that place just to use them to produce other processed foods, that place is a processor establishment.

[Subparagraph (ii) amended by Am. 25, 9 F.R. 4026, effective 4-18-44; and Am. 54, 9 F.R. 11538, effective 9-17-44]

(13) "Retail establishment" means any place, (other than a "processor establishment") where a "person" who deals in "processed foods" keeps stocks of those foods for sale or transfer, if more than fifty per cent of those stocks are sold or transferred from there directly to "consumers". Even if the amount sold or transferred from there directly to consumers is fifty per cent or less, it is still a retail establishment in the following case:

(i) If some of those stocks are transferred directly to consumers; and

(ii) If he keeps the rest of the stocks just to supply his own establishments; and

(iii) If no "wholesale establishment" and not more than three retail establishments are supplied from there.

(14) "Retailer" means any "person" who has a "retail establishment."

(15) "Stamp" means a blue or green stamp in, or taken from, War Ration Book Four.

[Subparagraph (15) amended by Am. 9, 9 F.R. 1908, effective 2-17-44]

(16) "Transfer" means to sell, give, exchange, lend, deliver, or consign. It includes any transfer of possession or

title, however accomplished, and any movement of goods from one establishment to another. The use by any "person" of "processed foods" which he produced or holds for sale or transfer is considered a transfer of those foods to himself. Also, a transfer takes place when an industrial user uses processed foods which he produced or imported after October 4, 1943. Where foods ordered by a transferee are delivered by the transferor to a common or contract carrier for shipment and delivery by the carrier or a connecting common carrier to the transferee (whether or not actually consigned to the transferee), and no transfer of the foods to the transferee has previously occurred, the foods are considered to be transferred at the time when they are delivered to the carrier. However, delivery to a common or contract carrier for shipment is not regarded as a transfer to the carrier; and delivery by the carrier to the consignee is not regarded as a transfer by the carrier.

[Subparagraph (16) amended by Am. 25, 9 F.R. 4026, effective 4-18-44; and Am. 45, 9 F.R. 7344, effective 7-1-44]

(17) "Washington Office" means the national headquarters of the Office of Price Administration, in Washington, D. C.

(18) "Wholesale establishment" means any place (other than a "processor establishment" or a place at which dry beans, peas, or lentils are kept by a "grower" or "country shipper") where a "person" who deals in "processed foods" keeps stocks of those foods for sale or transfer, if fifty percent or more of those stocks are transferred from there directly to persons other than "consumers". However, if he keeps the stocks which are not transferred to consumers, just to supply his own establishments, it is a wholesale establishment only if it supplies;

(i) At least one of his wholesale establishments; or

(ii) At least four of his "retail establishments".

(19) "Wholesaler" means any "person" who has a "wholesale establishment".

(20) [Revoked]

(21) [Revoked]

(22) "Industrial use" means any use of "processed foods" in producing or manufacturing, for sale or "transfer", any product which is not a processed food.

(23) [Revoked]

(24) [Revoked]

(25) [Revoked]

(26) [Revoked]

(27) [Revoked]

(28) [Revoked]

(29) [Revoked]

[Subparagraphs (20), (21) and (23) through (29) revoked by Am. 54, 9 F.R. 11538, effective 9-17-44]

(30) "Token" means a blue token designated for the acquisition of processed foods.

[Subparagraph (30) added by Am. 9, 9 F.R. 1908, effective 2-17-44]

(31) "Immigration document", as used in Article XXV of this order, means a border crossing identification card or



passport issued to a non-resident alien, bearing either a visa for entry into the United States or a notification showing that such a visa has been issued. It also includes a U. S. Citizen's Identification Card, passport, or other immigration papers issued to non-resident citizens of the United States for entry into Mexico.

[Subparagraph (31) added by Am. 37, 9 F.R. 6234, effective 7-1-44]

#### APPENDICES

*Appendix A.* The following foods are not "processed foods" as that term is used in this order:

Apple cider.  
Apple juice.  
Artichoke paste.  
Baby foods (packed in hermetically sealed containers and sterilized by the use of heat).  
Bean flour.  
Beans, lentils, or peas held for sale or transfer exclusively as seed for sowing or planting (and not for human consumption) and marked or labeled in accordance with any applicable federal or state seed laws, or, if none is applicable, in accordance with the standards stated in the federal seed law.  
Beans, lentils, or peas which contain not more than 10% sound beans, lentils, or peas; and beans, lentils, or peas infested with insects or otherwise unfit for human consumption.

The by-product, if sold exclusively as animal feed or fertilizer, of milling and sorting or otherwise processing for marketing as seed, and consisting of a mixture of dry beans, peas, or lentils which is not a recognized trade variety (for human consumption) of dry beans, peas, or lentils.

Bitters.  
Bouillon cubes and powders.  
Bread or cake with raisins including brown bread.

Candied fruits.  
Cane syrups.  
Capers.  
Cereals.  
Chili con carne.  
Chocolate syrup.  
Citrus fruit juices concentrated to more than single strength.

Clam broth.  
Clam juice.  
Clam juice cocktail.

Condiment sauces (other than those containing a base of tomato products).

Corn-on-the-cob (hermetically packed).  
Corn syrup.  
Crabapples.  
Date and nut bread.

Dates (unless packed in hermetically sealed containers and sterilized by the use of heat).  
Dehydrated vegetables (hermetically packed).

Dried mushrooms (hermetically packed).  
Dry cowpeas (other than black-eye peas).  
Figs (unless packed in hermetically sealed containers and sterilized by the use of heat).

Flaked or dehydrated prunes or raisins containing less than 6% of moisture by weight.

Fountain fruits. Fountain fruits means a product made of fruits (either whole, cut or crushed), added sugar solids constituting at least 40% of the product by weight, and color, flavoring, acidulant or preservative, and which is ordinarily used as an ice-cream topping or dressing, or in the manufacture of ice-cream.

Fruit and vegetable dyes and flavoring extracts, fruit syrups and similar products (other than full strength or concentrated fruit or vegetable juices).

Fruit and vegetable juices in containers over one (1) gallon.

Fruit cakes.

Fruit flavoring bases prepared for use in the further manufacture of products for human consumption and consisting of a combination of fruit juice with one or more

of the following added ingredients: acidulant, citrus oil, fruit extract or other flavoring material.

Fruit puddings.

Gravy mixes.

Green turtle soup.

Guava paste—a product made of guava pulp, sugar, and usually an acid (such as citric or tartaric) and cooked to a pasty consistency with a soluble solids content (expressed as sucrose and determined by a refractometer) of not less than 75 per cent, the finished product being packed in brick or slab form.

Health foods with wheat, gluten or other cereal or flour base.

Hearts of palm and hearts of artichokes.

Horseradish.

Jams, jellies, marmalades, fruit butters and other similar preserves.

Maraschino cherries.

Marrons and nesselrode.

Meat stews even though containing some vegetables.

Milk.

Mince meat.

Molasses and bead molasses.

Mustard.

Nectarines and nectar juice and nectar.

Nuts, nut meats and nut milks.

Olives.

Onion soup (hermetically packed).

Oyster soup.

Papaya nectar.

Peanut butter.

Peppers and pimentos.

Pickles; relishes; pickled or spiced green tomatoes; cocktail mushrooms.

Pie or pastry cream fillings, with or without fruit flavoring, containing corn starch, flour, gelatin, or other similar thickening agent other than pectin.

Popcorn.

Potato salad.

Raisin blows and sweepings. Raisin blows and sweepings means the by-product of the sorting, packaging, or otherwise processing of raisins, and consists of a mixture of cap stems, stalks, over-ripe, under-ripe and damaged raisins, which is not a recognized trade variety of raisins (for human consumption), and which is customarily sold as animal feed or for use in making alcohol.

Raisins dried for sale or transfer in clusters on the original stems.

Raisins packaged in machine made cardboard cartons and weighing less than two ounces.

Root and ginger beer extracts.

Soft drinks containing less than 25% by weight of natural fruit juices.

Soya bean milk and soya bean oil.

Soy sauce.

Spaghetti, macaroni, noodles or similar paste products packed in hermetically sealed containers, even though mixed or combined with added vegetable sauces.

Spices.

Terrapin soup.

Tropical fruit paste—a product made of the pulp of mango, papaya, kumquat, calamondin, satsuma, tangerine, tangelo, roselle, antidesma, carimbola or aberia, with sugar and usually an acid (such as citric or tartaric) and cooked to a pasty consistency with a soluble solids content (expressed as sucrose and determined by a refractometer) of not less than 75 per cent, the finished product being packed in brick or slab form.

Vegetable purees in No. 10 or larger size containers.

Vegetable seasonings including liquid and salts.

[Appendix A amended by Am. 5, 9 F.R. 765, effective 1-19-44; Am. 23, 9 F.R. 3947, effective 4-17-44; Am. 26, 9 F.R. 4351, effective 4-24-44; Am. 46, 9 F.R. 7437, effective 7-2-44; Am. 52, 9 F.R. 10636, effective 8-29-44; Am. 54, 9 F.R. 11538, effective 9-17-44; Am. 78, 10 F.R. 5526, effective 5-18-45 and Am. 80, 10 F.R. 6308, effective 6-2-45]

*Appendix B.* The reporting periods for which "processors" and "wholesalers" must prepare and file reports, are as follows:

1. February 1 to February 28, 1943, inclusive (processors only).
2. March 1 to March 31, 1943, inclusive.
3. April 1 to May 1, 1943, inclusive.
4. May 2 to June 5, 1943, inclusive.
5. June 6 to July 3, 1943, inclusive.
6. July 4 to July 31, 1943, inclusive.
7. August 1 to September 4, 1943, inclusive.
8. September 5 to October 2, 1943, inclusive.
9. October 3 to October 30, 1943, inclusive.
10. October 31 to December 4, 1943, inclusive.
11. December 5, 1943 to January 1, 1944, inclusive.
12. January 2 to January 29, 1944, inclusive.
13. January 30 to March 4, 1944, inclusive.
14. March 5 to April 1, 1944, inclusive.
15. April 2 to April 29, 1944, inclusive.
16. April 30 to June 3, 1944, inclusive.
17. June 4 to July 1, 1944, inclusive.
18. July 2 to July 29, 1944, inclusive.
19. July 30 to September 2, 1944, inclusive.
20. September 3 to September 30, 1944, inclusive.
21. October 1 to October 28, 1944, inclusive.
22. October 29 to December 2, 1944, inclusive.
23. December 3 to December 30, 1944, inclusive.
24. December 31, 1944, to January 27, 1945, inclusive.
25. January 28, 1945, to March 3, 1945, inclusive.
26. March 4, 1945, to March 31, 1945, inclusive.
27. April 1, 1945, to April 28, 1945, inclusive.
28. April 29, 1945, to June 2, 1945, inclusive.
29. June 3, 1945, to June 30, 1945, inclusive.
30. July 1, 1945, to July 28, 1945, inclusive.
31. July 29, 1945, to September 1, 1945, inclusive.
32. September 2, 1945, to September 29, 1945, inclusive.
33. September 30, 1945, to October 27, 1945, inclusive.
34. October 28, 1945, to December 1, 1945, inclusive.
35. December 2, 1945, to December 29, 1945, inclusive.

[Items 24 through 34 added by Am. 69, 9 F.R. 15002, effective 12-30-44]

*Effective date.* This revised ration order shall become effective December 30, 1943. [Revised Ration Order 13 originally issued December 30, 1943]

[Effective dates of amendments are shown in notes following the parts affected]

*NOTE:* All reporting and record-keeping requirements of this ration order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 8th day of August 1945.

JAMES F. BROWNLEE,  
Acting Administrator.

[F. R. Doc. 45-14637; Filed, Aug. 8, 1945; 11:40 a. m.]

#### PART 1305—ADMINISTRATION

[Rev. Supp. Order 123]

#### SUSPENSION FROM PRICE CONTROL OF CERTAIN COMMODITIES

Supplementary Order 123 is redesignated Revised Supplementary Order 123 and is revised and amended to read as follows:

A statement to accompany this Revised Supplementary Order 123 has been issued simultaneously herewith and filed with the Division of the Federal Register. For the reasons set forth in that



statement, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, it is ordered:

§ 1305.151 *Suspension from price control of certain commodities.* (a) Notwithstanding the provisions of any regulation or order issued by the Office of Price Administration, price control is suspended with respect to all sales and deliveries by any person of the following listed commodities:

(1) *Aircraft and certain parts.* New or used aircraft, and parts specifically designed and sold for the production and repair of aircraft. The term "aircraft" includes heavier and lighter than air craft. This suspension does not apply to parts whose end use cannot be determined by the seller.

As used in this supplementary order, the term "part" means any product upon which further fabrication need not be performed in order to complete its identification as a part specially designed for the production or repair of aircraft. Accordingly, the suspension granted by this order does not apply to lumber requiring further fabrication.

This suspension also does not apply to the following:

(i) Airplane tires and tubes.  
(ii) Die castings covered by Maximum Price Regulation 377 (Die Castings).

(iii) Iron and steel castings covered by Revised Price Schedule 48 (Steel Castings and Railroad Specialties), Maximum Price Regulation 214 (High Alloy Castings), Maximum Price Regulation 235 (Manganese Steel Castings and Manganese Steel Castings Products), Maximum Price Regulation 241 (Malleable Iron Castings), or Maximum Price Regulation 244 (Gray Iron Castings).

(iv) Nonferrous castings covered by Revised Maximum Price Regulation 125 (Nonferrous Castings).

(v) Plywood (except that molded specially for airplanes).

(2) *Certain ships and boats.* New or used ships and boats over 25 feet in length, except stock boats built to the manufacturer's specifications and selling at a price of not more than \$3,000 to the user. This suspension does not apply to parts, subassemblies or fittings for such ships and boats when sold separately.

This Revised Supplementary Order 123 shall become effective August 7, 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-14595; Filed, Aug. 7, 1945;  
4:20 p. m.]

#### PART 1305—ADMINISTRATION

[Rev. Supp. Order 114]

#### ADJUSTABLE PRICING OF CERTAIN COTTON TEXTILES

Supplementary Order 114 is redesignated Revised Supplementary Order 114 and is revised and amended to read as follows:

A statement of the reasons involved in the issuance of this revised supplementary order, issued simultaneously herewith, has been filed with the Division of the Federal Register.

AUTHORITY: § 1305.142 issued under 56 Stat. 23,765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECTION 1. *What this order does.* This revised supplementary order permits producers of yarn and of fabric, converters of woven fabrics, processors of yarns, wholesalers, and jobbers to sell on an adjustable pricing basis the cotton textiles listed in section 5. Other sellers, whether of these items or of commodities made from them, are not granted adjustable pricing permission even though their ceilings are determined by a formula of the cost-plus type. This order provides, moreover, that ceilings of all sellers shall remain unchanged unless and until an increase is authorized by the Office of Price Administration. Thus, this revised supplementary order supplements the regulations establishing ceilings for the items listed in section 5, as well as all regulations establishing ceilings for commodities made from them.

SEC. 2. *Adjustable pricing permission for producers—*(a) *Terms of permission.* In connection with contracts (and deliveries pursuant thereto) made on or after August 7, 1945 for the sale of any cotton textiles listed in section 5 (including processed or finished goods there listed), a producer may sell and deliver at his maximum price and at the same time may reserve the right to charge the difference, not to exceed the applicable percentage limit indicated in section 5, between that maximum price in effect on June 1, 1945 and any higher maximum price which may hereafter be established prior to revocation of the permission.

(b) *Percentage limit.* (1) The percentage limits, which appear in the table in section 5, represent the maximum additional percentage which the producer may reserve the right to charge over the applicable ceiling price. Producers who have received individual adjustments may reserve the right to charge no more than the stated percentage over their unadjusted ceilings.

(2) The percentages in Column I of the Table may be used by any producer. The percentages in Column II may be used only by a producer who certifies or has certified to the Office of Price Administration, Washington 25, D. C., that he is paying the 1945 textile wage increase, or has applied to the National War Labor Board for permission to pay that increase, or is a party to a dispute case before the War Labor Board involving the issue of whether he will pay that increase.

The "1945 textile wage increase" means a flat increase of 5¢ per hour to all workers in occupations whose wage rates prior to March 1, 1945 exceeded 50¢ per hour and, in addition, any one of the following:

(i) A minimum wage of 55¢ per hour for all workers except learners and handicapped,

(ii) A premium of 5¢ per hour for all hours worked on the third shift, or

(iii) A minimum of one week's paid vacation per year.

SEC. 3. *Adjustable pricing permission for processors who purchase fabrics or yarn and for wholesalers and jobbers—*

(a) *To what sales and deliveries permission applies.* Adjustable pricing permission is granted to converters and processors (other than the producer) and to wholesalers and jobbers only in connection with contracts (and deliveries pursuant thereto) made on or after August 7, 1945, for the sale of any cotton textiles listed in section 5 which have been purchased (or are made from fabrics or yarns which have been purchased) under a reservation of right by their suppliers as permitted by this order.

(b) *Terms of permission.* In connection with any contract or delivery described in paragraph (a), a converter, processor, wholesaler, or jobber may sell and deliver at his current maximum price and at the same time reserve the right to charge the difference, not to exceed the limit specified in paragraph (c), between that maximum price and any higher maximum price which may hereafter be established prior to revocation of the permission.

(c) *Limit on amount reserved.* The amount which the seller reserves the right to charge shall be limited to the same percentage (to be applied in this case to the seller's maximum prices), as the percentage which, under this order, is specified in a supplier's contract with him as the limit on the additional charge which he may have to pay.

(d) *Cases in which limit is not applicable.* Notwithstanding paragraph (c), no limit to the amount which the seller reserves the right to charge need be specified in connection with sales to which section 2.7 of Supplementary Regulation No. 14E applies and which are made to a commercial user for non-manufacturing use or to an institutional user by a wholesaler or jobber.

(e) *Adjustable pricing permission restricted to products listed in section 5.* Processors, converters, manufacturers, and distributors should especially note that the adjustable pricing permission granted by this order does not apply to any processed or converted goods which are not included in the Table in section 5. Thus, for example, the permission does not apply to dyed yarns, to coated fabrics, or to garments, even if they are made or processed from goods to which the permission does apply.

SEC. 4. *Requirements and restriction—*(a) *Seller required to give notices to purchaser.* Any seller who seeks to exercise the adjustable pricing permission provided for in this revised supplementary order must, in connection with each contract of sale, deliver to the purchaser the following statement in writing, appropriately completed.<sup>1</sup>

For as long as permitted by OPA \_\_\_\_\_  
(name of the seller) reserves the right to

<sup>1</sup> If the sale is covered by section 3 (d), the proviso may be omitted.



charge the buyer for any goods delivered pursuant to this contract the difference between the ceiling price in effect on June 1, 1945 and any higher ceiling price which may thereafter be established: *Provided*, That the additional charge will in no event exceed — per cent of the ceiling price in effect on June 1, 1945. The seller is required by OPA to inform the buyer that the buyer must disregard the foregoing adjustable pricing clause and any additional charge made pursuant to it in determining his ceiling price for the resale of the goods purchased under the present contract or for any commodities processed or manufactured from these goods, unless and until specifically authorized otherwise by OPA.

(b) *Restrictions.* (1) A purchaser who buys goods under a contract containing an adjustable pricing clause authorized by this order shall disregard that clause, and any additional charge made pursuant to it, in determining his

ceiling price for resale of the goods so purchased or for the sale of any commodities processed or manufactured from those goods, unless and until specifically authorized otherwise by the Office of Price Administration either in this revised supplementary order or otherwise.

(2) No person is authorized to collect an amount in excess of the ceiling in effect on June 1, 1945 for any of the goods listed in section 5 unless prior to the revocation of the adjustable pricing permission with respect to such goods a higher ceiling price for them has been established.

SEC. 5. *List of cotton textiles and producers' limits.* Following are the cotton textiles as to which adjustable pricing permission is granted, with the applicable percentage limits.

Schedule or Regulation to which goods are subject when sold by producer or converter	Reference No.	Description of goods	Applicable percentage limit	
			I <sup>1</sup>	II <sup>1</sup>
			Percent	Percent
MPR 11.....	1	All goods covered by MPR 11.....	2	5
MPR 33.....	5	All goods covered by MPR 33.....	2	5
RPS 35.....	10	Print cloth yarn fabrics.....	2	5
	11	Denims.....	2	5
	12	Chambrays and coverts.....	2	5
	13	Woven tickings.....	2	5
	14	Osnaburgs.....	5	8
	15	Sheeting yarn fabrics.....	2	5
RPS 89.....	20	All goods covered by RPS 89.....	5	8
MPR 118.....	25	Ducks (in the grey).....	2	5
	26	Paper-makers dryer felts.....	2	5
	27	Flannels.....	2	5
	28	Flannelette diapers.....	2	5
	29	Gauze diapers.....	2	5
	30	Bleached cheesecloth, bleached sanitary napkin gauze, and bunting.....	2	5
	31	Wide print cloths.....	2	5
	32	Terry products.....	2	5
	33	Huck and crash towels, toweling and corded napkins.....	2	5
	34	Ginghams, seersuckers and related fabrics for which ceilings are established in or by reference to section 1400.118 (d) (10).....	2	5
	35	Play cloth.....	2	5
	36	Cotton seamless bags.....	5	8
	37	Birdseye nursery products.....	2	5
	38	Grey carded gabardines.....	2	5
	39	Warp sateens under 42" in width.....	2	5
	40	Woven tickings.....	2	5
	41	Wide sheetings, wide drills, wide 4-leaf twills, wide broken twills, wide warp sateens.....	2	5
	42	All-American cotton bed blankets.....	2	5
	43	Tobacco seed bed covers.....	2	5
	44	Grey corduroy.....	2	5
	45	Grey birdseye diaper cloth.....	2	5
	46	Blanket linings.....	5	8
	47	Woven table and laundry felts.....	5	8
MPR 127.....	55	Finished piece goods subject to MPR 127 which are made from any grey fabrics listed above.....	Same percentage as is applicable to grey goods used.	
MPR 358.....	60	Finished fabrics subject to MPR 358 which are made from any grey fabrics listed above.....	Same percentage as is applicable to grey goods used.	
GMPR or MPR 157.....	65	Woven and braided fabrics and braided tubing consisting (50% or more by weight) of cotton and less than 12 inches wide as woven.....	2	5
	66	Cotton tire cord and cotton tire cord fabric.....	2	5
GMPR.....	70	Fishing nets and fishing lines.....	2	5
Supplementary Regulation 14E.....	75	Braided or twisted cotton rope and twine.....	2	5
	76	Industrial cotton stitching thread.....	2	5

<sup>1</sup> See section 2 (b) (2).

This Revised Supplementary Order No. 114 shall become effective August 7, 1945.

NOTE: The reporting requirements of this revised supplementary order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 7th day of August 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-14614; Filed, Aug. 7, 1945; 4:30 p. m.]

This correction to Amendment No. 34 shall be effective as of July 11, 1945.

Issued this 8th day of August 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-14632; Filed, Aug. 8, 1945; 11:39 a. m.]

#### PART 1345—COKE

[MPR 29, Amdt. 4]

##### BY-PRODUCT AND RETORT GAS COKE

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 29 is amended in the following respects:

1. Section 7 is amended to read as follows:

SEC. 7. *Maximum prices for by-product coke sold for use in a foundry cupola—(a) General provisions.* The maximum delivered price for by-product coke sold for use in a foundry cupola shall be the price per net ton f. o. b. cars at the governing oven plant, as set forth below, plus the lowest established rail transportation charges from that oven plant to the place of delivery. The term "governing oven plant" means that oven plant, the price at which, together with the lowest established rail transportation charge, results in the lowest price at the place of delivery.

Location of oven plant:	F. o. b. oven plant in cars (per net ton)
Alabama.....	\$10.00
Chicago, Ill.....	13.00
Ashland, Ky.....	11.50
Detroit, Mich.....	13.25
Kearney, N. J.....	13.05
Buffalo, N. Y.....	12.65
Ironton, Ohio.....	11.50
Painesville, Ohio.....	12.15
Portsmouth, Ohio.....	11.50
Erie, Pa.....	12.65
Philadelphia, Pa.....	12.65
Chattanooga, Tenn.....	10.50
Fairmont, W. Va.....	10.90
Milwaukee, Wis.....	13.75

(b) *Exceptions—(1) Place of delivery within New England and part of New York.* (1) The maximum delivered price in the States of Connecticut, Rhode Island, Massachusetts and New Hampshire and in that portion of the States of New York, Maine and Vermont wherein the lowest established rail transportation charge from Everett, Massachusetts, is \$3.10 per net ton or less, shall be \$14.65 per net ton less \$0.15 per net ton discount for cash within ten days from date of shipment.

(ii) The maximum delivered price within that portion of the States of Maine and Vermont wherein the lowest established rail transportation charge from Everett, Massachusetts, exceeds \$3.10 per net ton shall be \$11.55 plus the lowest established rail transportation charge from Everett, Massachusetts, is the place of delivery less \$0.15 per net ton discount for cash within ten days from date of shipment.

#### PART 1340—FUEL

[RMPR 122, correction to Amdt. 84]

##### SOLID FUELS SOLD AND DELIVERED BY DEALERS

Amendment No. 34 to Revised Maximum Price Regulation No. 122 is hereby corrected in the following respect:

Item 3 of Amendment No. 34 is hereby corrected by inserting in the first paragraph, after the words "similar sale of solid fuel" and before the words "for which a maximum price" the words "most nearly like the sale of solid fuel".



(2) *Place of delivery within certain switching districts.* Except as set forth in subparagraph (3) of this paragraph, the maximum delivered prices within the following switching districts shall be:

Switching district:	Delivered price per net ton
Chicago, Ill.	\$13.75
Birmingham and Tarrant, Ala.	10.90
St. Louis, Mo. & E. St. Louis, Ill.	13.75
Indianapolis, Ind.	13.50
Terre Haute, Ind.	13.50
Detroit, Mich.	13.75
Buffalo, N. Y.	13.40
Cincinnati, Ohio.	13.25
Cleveland, Ohio.	13.20
Erie, Pa.	13.15
Philadelphia, Pa.	13.28
St. Paul and Minneapolis, Minn.	15.50

(i) Except that the maximum delivered price to consumers in the Birmingham and Tarrant, Alabama, switching district who qualify under the provisions of the Louisville and Nashville Railroad Company Tariff O. F. P. No. 220-C establishing a furnace raw material freight rate of \$0.60 per ton shall be \$10.60.

(ii) Except that producers situated in states other than Missouri, Alabama or Tennessee may charge a maximum delivered price of \$14.25 to consumers in the St. Louis, Missouri, and E. St. Louis, Illinois, switching district.

(3) *Place of delivery within certain switching districts when shipments thereto are from Alabama ovens.* The maximum delivered prices within the following switching districts for by-product coke sold for use in a foundry cupola and shipped from the State of Alabama shall be:

Switching district:	Delivered price per net ton
Chicago, Ill.	\$14.35
Detroit, Mich.	13.95
Indianapolis, Ind.	13.95
Cleveland, Ohio.	13.90
Chattanooga, Tenn.	11.42
Bayonne, N. J.	18.46
Williamsburg, Ohio.	13.45

(4) *Place of delivery north and west of the Ohio River or certain parts of New York.* When the place of delivery is located north and west of the Ohio River (but not including the State of Pennsylvania) or in the State of New York (other than that part of New York for which a maximum delivered price is established in subparagraph (1) of this paragraph) the Fairmont, West Virginia, oven plant shall be considered in determining the "governing oven plant" only when the shipment is made from the Fairmont, West Virginia, oven plant.

(5) *Place of delivery within Kentucky, Indiana, Michigan, Illinois, Iowa, Missouri, Kansas, Nebraska, Minnesota, South Dakota, Montana, Colorado, Utah or Virginia.* When the place of delivery is located (excepting the switching districts set forth in subparagraph (2) of this paragraph) within the States of Kentucky, Indiana, Michigan, Illinois, Iowa, Missouri, Kansas, Nebraska, Minnesota, South Dakota, Montana, Colorado, Utah, or Virginia, the Alabama and Chattanooga, Tennessee, oven plants shall be considered in determining the "governing oven plant," only when the shipment is made from the oven plants at Alabama, Chattanooga, Tennessee, or

St. Louis, Missouri: *Provided, however,* That the maximum delivered price in those areas shall not exceed the Alabama f. o. b. oven plant price plus the lowest established rail transportation charge from the Alabama oven to the place of delivery, plus \$0.75 per net ton.

(6) *Place of delivery within Oklahoma, Nevada, Texas, Arizona, New Mexico or Idaho.* When the place of delivery is located within the States of Oklahoma, Texas, Nevada, Arizona, New Mexico or Idaho, the Alabama and Chattanooga, Tennessee, oven plants shall be considered in determining the "governing oven plant," only when the shipment is made from such oven plants: *Provided, however,* That when the shipment is made from any other oven plant, the maximum price shall not exceed \$11.50 per net ton, f. o. b. cars oven plant.

(7) *Place of delivery within Eastern Pennsylvania, Southern New Jersey, Delaware and Maryland.* When the place of delivery is located in Eastern Pennsylvania (that part of the State east of a line running approximately north and south through Lawrenceville, Tioga County, and Kingsdale, Adams County), Southern New Jersey (that part of the State south of a line running from a point immediately north of Phillipsburg to a point immediately north of Asbury Park), Maryland (except Washington County), or Delaware the maximum delivered price shall be as follows:

When the lowest established rail transportation charge per net ton from Swedeland, Pennsylvania, to the place of delivery is:	The maximum delivered price per net ton shall be
\$0.63 and less	\$13.28
\$0.69 to \$0.96, inclusive	13.30
\$0.97 to \$1.66, inclusive	13.35
\$1.67 to \$2.24, inclusive	13.60
\$2.25 to \$2.50, inclusive	13.70
\$2.51 to \$2.85, inclusive	13.85

And when the lowest established rail transportation charge per net ton from Swedeland, Pa., to place of delivery is \$2.86 or more, the maximum price f. o. b. oven plant shall be \$11.25.

(8) *Place of delivery within Western Pennsylvania or Washington County, Maryland.* (i) When the place of delivery is located in the counties of Erie (excepting the city of Erie switching district), Crawford, Warren, McKean, Elk Forest, Venango and Mercer, the Fairmont, West Virginia, oven plant shall be considered in determining the "governing oven plant," only when the shipment is made from such oven plant: *Provided, however,* That the maximum delivered price shall not exceed the Fairmont, West Virginia, oven plant price plus the lowest established rail transportation charge from Fairmont, West Virginia, to the place of delivery, plus \$0.25 per net ton.

(ii) When the place of delivery is located in the remaining counties of Western Pennsylvania (that part of the State west of a line running approximately north and south through Lawrenceville, Tioga County and Kingsdale, Adams County) or Washington County, Maryland, the Fairmont, West Virginia, oven plant shall be considered in determining the "governing oven plant," only when

the shipment is made from such oven plant: *Provided, however,*

(a) That the maximum delivered price shall not exceed the Fairmont, West Virginia, oven plant price plus the lowest established rail transportation charge to the place of delivery, plus \$0.75 per net ton and

(b) when shipment is from the ovens at Painesville, Ohio, or Swedeland, Pennsylvania, the maximum delivered price shall not exceed \$10.90 per net ton ovens, plus the lowest established rail transportation charge from such ovens to the place of delivery.

(9) *Place of delivery within California, Oregon and Washington.* When the place of delivery is located within the States of California, Oregon or Washington, the "governing oven plant" may be Chicago, Illinois: *Provided,* That when shipment is from an oven plant listed in paragraph (a) of this section, the maximum delivered price shall not exceed the f. o. b. oven plant price at such oven plant, plus the lowest established rail transportation charge from such oven plant to the place of delivery.

(10) *Place of delivery within Holt, Alabama, switching district.* When shipment is made from an oven plant located within the Holt, Alabama, switching district to a place of delivery within the same switching district, the maximum delivered price shall be \$10.50 per net ton.

(11) *Delivery other than by railroad.* When delivery is by means other than railroad, the maximum delivered price shall be the price as computed in this paragraph but adjusted to provide the customary differential or charge in effect on September 18, 1941, for such means of delivery.

2. Section 8 is amended to read as follows:

SEC. 8 *Maximum prices for by-product coke sold for use in a blast furnace—*  
(a) *Coke shipped from certain points.* The maximum price, f. o. b. oven plant, for by-product coke sold for use in a blast furnace and shipped from the following points shall be:

Point of shipment:	Maximum price
Birmingham, Ala.	\$7.50
Holt, Ala.	7.80
New Haven, Conn.	9.50
Chicago, Ill.	9.65
Waukegan, Ill.	9.65
Indianapolis, Ind.	9.00
Ashland, Ky.	7.50
Boston, Mass.	9.50
Detroit, Mich.	8.85
St. Paul, Minn.	11.25
Duluth, Minn.	9.55
St. Louis, Mo.	9.63
Kearny, N. J.	9.10
Brooklyn, N. Y.	9.10
Buffalo, N. Y.	8.90
New York, N. Y.	9.10
Rochester, N. Y.	8.95
Utica, N. Y.	8.95
Hamilton, Ohio.	8.50
Ironton, Ohio.	8.50
Painesville, Ohio.	8.50
Conshohocken, Pa.	8.65
Monessen, Pa.	6.90
Pittsburgh, Pa.	6.90
Fairmont, W. Va.	7.05
Milwaukee, Wis.	9.55

(b) *Coke shipped from all other points.* The maximum price, f. o. b. oven plant,



for by-product coke sold for use in a blast furnace and shipped from points other than those listed in paragraph (a) of this section shall be

(1) The weighted average price f. o. b. oven plant charged by the seller for such coke delivered during the first quarter of 1941, plus \$2.25 per net ton if the plant is located in the Midwest or \$1.65 per net ton if the plant is located in the East; or,

(2) If the seller delivered no such coke during the first quarter of 1941, the price established by the Office of Price Administration after application by such person upon OPA Form 129-2. In establishing any such price, the Office of Price Administration shall give consideration to the weighted average prices charged by the applicant, its competitors, or persons situated in substantially similar circumstances for comparable grades of coke during the first quarter of 1941 and other relevant factors: *Provided, however,* That this paragraph (b) shall not apply to sales or shipments made after October 1, 1941, from oven plants located in the Mid-West at a price less than \$7.50 per net ton or to sales or shipments made after October 1, 1941, from plants located in the East at a price less than \$6.90 per net ton.

3. Section 9 (b) is amended to read as follows:

(b) *Additions to maximum prices for certain coke.* (1) In the case of a sale of by-product or retort gas coke produced in the Mid-West, a producer or distributor may add to the maximum prices determined in accordance with subparagraph (1), (2) or (3) of paragraph (a) of this section a sum not to exceed \$1.50 per net ton.

(2) In the case of a sale of by-product or retort gas coke produced in the East, a producer or distributor may add to the maximum prices determined in accordance with subparagraph (1), (2) or (3) of paragraph (a) of this section a sum not to exceed \$0.90 per net ton.

This amendment shall become effective August 7, 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-14589; Filed, Aug. 7, 1945; 4:18 p. m.]

PART 1364—FRESH, CURED AND CANNED  
MEAT AND FISH PRODUCTS

[RMPR 169, Amdt. 57]

BEEF AND VEAL CARCASSES AND WHOLESALE  
CUTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Revised Maximum Price Regulation No. 169 is amended in the following respects:

1. Section 1364.401 (c) is amended to read as follows:

(c) *Maximum prices for custom slaughtering of cattle or calves.* (1) On and after June 15, 1945, regardless of any contract, agreement, or other obligation, no person shall custom slaughter

cattle or calves as a service for the owner of such cattle or calves and no person in the course of trade or business shall cause cattle or calves to be custom slaughtered at a price higher than the maximum price permitted by paragraph (c) (2) hereof, and no person shall agree, offer, solicit or attempt to do any of the foregoing. The rental, leasing, subleasing, assignment or otherwise transferring of a packing or slaughtering plant or slaughtering facilities to the owner of cattle or calves killed in such plant or facilities shall be deemed an evasion of this paragraph (c) and is prohibited, unless such rental, lease, sublease, assignment or transfer is made to such owner as an individual corporation, partnership or agency of the United States government and (i) covers a definite, full-time and continuous period of not less than six months without the privilege of interim cancellation, (ii) is for a specified consideration notwithstanding the number or volume of cattle or calves slaughtered in such plant or facilities by the owner thereof, and (iii)

grants full, complete and exclusive use and control of such plant or facilities to the owner of the cattle or calves other than the usual rights of inspection by the lessor.

(2) The maximum amount which may be charged or received by any person for the custom slaughtering of cattle or calves shall be determined as follows:

(i) Except as provided in footnotes<sup>1</sup> and<sup>2</sup> of the table below and subparagraphs (c) (3) and (c) (4) hereof, if the packing or slaughtering plant at which the slaughtering service is performed is equipped with facilities for the commercial rendering of waste fats into tallow and greases, the custom slaughterer shall assume ownership of all edible and inedible by-products, including the hide (except in the case of calves, dressed, hide-on) derived from the cattle or calves custom slaughtered by him and shall remit to the owner thereof an amount not less than the appropriate of the following amounts:

(All amounts are on dollars per cwt., dressed carcass, hot weight basis.)<sup>1,2</sup>

Cattle	Grades	Weight classifications		
		Under 451 lbs.	451 to 650 lbs.	651 lbs. up
(a) Steers, heifers, cows and stags.	Choice or AA, Good or A, Commercial or B and Utility or C (except Utility or C grade cows).	\$1.50	\$1.90	\$2.10
(b) Steers, heifers and stags.	Cutter and Canner or D	1.25	1.65	1.85
(c) Cows	Utility or C or Cutter and Canner or D	1.25	1.65	1.85
(d) Bulls	All grades	1.00	1.40	1.60
<i>Calves</i>		153 lbs. and under		154 to 275 lbs.
(e) Calves (hide off)	All grades	\$3.00		\$3.10
(f) Calves (hide on)	All grades	1.00		1.00

	Per cwt.
(a) For quartering beef	\$0.05
(b) For wrapping beef or veal (Army specifications)	.15
(c) For freezing (Army specifications)	.35
(d) For loading	.05

(ii) Except as provided in footnotes<sup>1</sup> and<sup>2</sup> of the table below and subparagraph (c) (3) and (c) (4) hereof, if the custom slaughterer is not subject to the

provisions of subdivision (i) hereof, he shall assume ownership of all edible and inedible by-products, including the hide (except in the case of calves, dressed, hide-on) derived from the cattle or calves custom slaughtered by him and shall remit to the owner thereof, an amount not less than the appropriate of the following amounts:

(All amounts are on dollars per cwt., dressed carcass, hot weight basis.)<sup>1,2</sup>

Cattle	Grades	Weight classifications		
		Under 451 lbs.	451 to 650 lbs.	651 lbs. up
(a) Steers, heifers, cows, and stags.	Choice or AA, Good or A, Commercial or B and Utility or C (except Utility or C grade cows).	\$0.85	\$1.25	\$1.45
(b) Steers, heifers, and stags.	Cutter and Canner or D	.65	1.00	1.25
(c) Cows	Utility or C or Cutter and Canner or D	.65	1.00	1.25
(d) Bulls	All grades	.50	.85	1.10
<i>Calves</i>		153 lbs. and under		154 to 275 lbs.
(e) Calves (hide off)	All grades	\$3.05		\$2.55
(f) Calves (hide on)	All grades	.50		.50

<sup>1</sup> For beef or veal derived from cattle or calves custom slaughtered, approved and stamped as kosher under rabbinical supervision, the custom slaughterer may deduct not more than 35 cents per hundredweight (dressed carcass hot weight basis) from the appropriate amount required to be remitted as set forth in the table above.

<sup>2</sup> If, pursuant to a set-aside order issued by the War Food Administration or its suc-

cessor in authority or if pursuant to the request of a state or municipal institution, the slaughterer is required to quarter, wrap, freeze or load into rail cars or trucks beef or veal derived from cattle or calves custom slaughtered by him, he may deduct from the appropriate amount required to be remitted as set forth in the table above not more than whichever may be applicable of the following amounts: *Provided, That the*



service was actually performed or the expense actually incurred by the custom slaughterer:

	Per cwt.
(a) For quartering beef.....	\$0.05
(b) For wrapping beef or veal (Army specifications).....	.15
(c) For freezing (Army specifications).....	.35
(d) For loading.....	.05

(3) Notwithstanding the provisions of subparagraphs (c) (2) hereof, a custom slaughterer may, at his option, regardless of the condition or quality of the edible or inedible by-products derived from cattle or calves custom slaughtered by him, return to the owner of the cattle or calves slaughtered, without assuming ownership thereof or assess against such owner in the event of a condemned by-product, any of the following by-products: *Provided*, That the appropriate amount to be remitted to the owner of the cattle or calves in accordance with the provisions of subparagraph (c) (2) hereof, shall be reduced by an amount not more than the appropriate amount specified in subdivisions (i) through (vii) below (if the amount to be deducted from the remittance exceeds the amount of the remittance, the custom slaughterer may require the owner to pay him not more than the difference), and *Provided further*, That the owner of the cattle or calves slaughtered does not sell such by-products to the custom slaughterer in any form:

	Per cwt.
(i) Hides (green) derived from the slaughter of all grades of cattle other than bulls.....	\$11.60
(ii) Hides (green) derived from the slaughter of bulls of any grade.....	9.20
(iii) Skins (green) derived from the slaughter of all grades of calves producing veal carcasses (hide off) weighing 153 pounds and under (hot weight).....	18.75
(iv) Skins (green) from the slaughter of all grades of calves producing veal carcasses (hide off) weighing 154 to 275 pounds (hot weight).....	15.25
(v) Livers (beef)—applicable maximum price for unblemished beef livers as determined under Maximum Price Regulation No. 398;	
(vi) Livers (veal)—applicable maximum price for unblemished veal livers as determined under Maximum Price Regulation No. 398;	
(vii) Any other edible by-product derived from the slaughter of cattle or calves—applicable maximum price for such item as determined under Maximum Price Regulation No. 398.	

(4) Notwithstanding the provisions of subparagraph (c) (2) hereof, a custom slaughterer shall not be required to make the remittances required thereunder, in any case in which a beef or veal carcass derived from an animal custom slaughtered by him has been condemned by an inspector of the United States Department of Agriculture or of any state or local government agency.

(5) Wherever used in this paragraph (c), the term "custom slaughterer" or "custom slaughtering" shall mean the rendering by a slaughterer, otherwise than as an employee, of such services as are described herein, in connection with the killing of cattle or calves for the owner thereof, provided that a per-

son who slaughters livestock owned by a Class 3 slaughterer (defined in section 1 (f) of Control Order No. 1, issued by the Office of Price Administration), at the livestock owner's Class 3 slaughtering establishment, shall not be deemed to be a custom slaughterer with respect to such slaughter. Beef or veal which is derived from the custom slaughtering of cattle or calves shall be dressed by the custom slaughterer in accordance with the requirements set forth in the definition of "beef carcass" and "veal carcass" in §§ 1364.455 (a) (8) and 1364.470 (a) (8) respectively of this regulation. Custom slaughtering shall commence when the cattle or calves are driven into the killing pen. The service shall be complete when the beef or veal carcasses are hung in the chilling room, where they may remain at the request of the owner for at least 48 hours. Custom slaughtering shall also include weighing of dressed carcasses, the proper handling of hides and the chilling of such byproducts as the owner may be required to accept pursuant to the provisions of subparagraph (c) (3) hereof. Custom slaughtering shall not include buying expense, transportation or yardage expense, breaking of carcasses, or loading into trucks or rail cars or delivery. No charge may be made or received by the custom slaughterer for the performance of any service for or in connection with beef or veal derived from the custom slaughtering of cattle or calves unless a specific charge for such service has been provided in this regulation, except that nothing contained in this regulation shall be deemed to prohibit a charge by a custom slaughterer for the storage of such beef or veal in excess of 48 hours or a charge for delivery of such beef or veal from the slaughtering plant to the owner's place of business in an amount not in excess of the amount permitted for local delivery in § 1364.454 (a) and § 1364.469 (a), respectively.

(6) On or after June 15, 1945, each person performing custom slaughtering of cattle and/or calves pursuant to this paragraph (c) shall keep for inspection by representatives of the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records for each transaction showing the name and address of the person for whom the custom slaughtering is performed, the date the service was performed, the total number and dressed (hot) weights of carcasses by grades, separately itemized for each class of cattle or calves and each carcass weight classification specified herein, and the amount remitted to the owner thereof pursuant to this paragraph (c).

2. Section 1364.406 (c) is amended to read as follows:

(c) Any transaction, device or arrangement whereby a person who sells, transfers or delivers beef or veal to a retail establishment not wholly owned and operated by such person, receives for the beef or veal a greater realization than he would be entitled to receive under this regulation for the sale of such beef or veal to a retailer is a violation of this regulation and is prohibited.

(1) For purposes of this paragraph (c), a person shall not be deemed to wholly own and operate a retail establishment unless such person (i) operates an entire and undivided selling establishment composed of all the food selling units or departments within the physical premises of the selling establishment, including but not limited to those units or departments from which meats, groceries, fruits and vegetables, fish, etc. are sold, and (ii) wholly owns the assets of such entire and undivided selling establishment including those fixtures and equipment which are generally and customarily used in the business of selling meat in addition to other foods.

(2) However, notwithstanding the provisions of subparagraph (c) (1) hereof, a person shall be deemed to wholly own and operate a retail establishment if such person (i) operates an entire meat selling unit or department in a selling establishment in which there is located more than one retailer engaging in the sale of the same general class of food, and (ii) wholly owns the assets of such unit or department, including those fixtures and equipment which are generally and customarily used in the business of selling meats. He shall also be deemed to wholly own and operate a retail establishment if he currently operates and prior to August 16, 1943, operated, as lessee or owner, the entire meat selling unit or department in such retail selling establishment.

This amendment shall become effective August 9, 1945.

NOTE: The record-keeping provisions of this amendment have been approved by the Bureau of the Budget in accordance with the requirements of the Federal Reports Act of 1942.

Issued this 8th day of August 1945.

JAMES G. ROGERS, Jr.,  
Acting Administrator.

Approved August 3, 1945.

J. B. HUTSON,  
Acting Secretary of Agriculture.

[F. R. Doc. 45-14636; Filed, Aug. 8, 1945;  
11:40 a. m.]

#### PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 364, Amdt. 32]

#### FROZEN FISH AND SEAFOOD

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation No. 364 is amended by changing the effective date of Amendment 31 from August 7 to August 15, 1945.

This amendment shall become effective August 7, 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-14591; Filed, Aug. 7, 1945;  
4:18 p. m.]



**PART 1364—FRESH, CURED AND CANNED  
MEAT AND FISH PRODUCTS**

[MPR 418, Amdt. 48]

**FRESH FISH AND SEAFOOD**

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation No. 418 is amended by changing the effective date of Amendment 46 from August 7, 1945, to August 15, 1945.

This amendment shall become effective August 7, 1945.

Issued this 7th day of August 1945.

**CHESTER BOWLES,**  
*Administrator.*

[F. R. Doc. 45-14592; Filed, Aug. 7, 1945;  
4:18 p. m.]

**PART 1364—FRESH, CURED AND CANNED  
MEAT AND FISH PRODUCTS**

[MPR 579, Amdt. 9]

**CERTAIN SPECIES OF FRESH AND FROZEN  
FISH AND SEA FOOD**

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation No. 579 is amended in the following respects:

1. In section 5.5 (c) in the last sentence commencing, "No person shall sell or distribute in Canada . . .", the word "from" is substituted for "in", immediately preceding the word "Canada."

2. In section 5.5 (d) in the last line the words "imported sale" are changed to "importer sale."

3. Section 5.7 (b) (1) (i) is amended, by changing the reference in the parenthesis, to read as follows:

(i) If the seller is a retailer-owned cooperative wholesaler (defined in section 4.4 (d)) selling to an affiliated retail store—the price listed in Column V of Table IIB (section 10.1) minus one cent.

4. In section 10.1, Table IIA, Footnote 1, is added to the name of Schedule No. 7, (Chinook and Silver, troll caught).

5. The effective date of Amendment 8 is changed from August 7 to August 15, 1945.

This amendment shall become effective August 7, 1945.

Issued this 7th day of August 1945.

**CHESTER BOWLES,**  
*Administrator.*

[F. R. Doc. 45-14593; Filed, Aug. 7, 1945;  
4:19 p. m.]

**PART 1361—FARM EQUIPMENT**

[MPR 133, Amdt. 11]

**RETAIL PRICES FOR FARM EQUIPMENT**

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation 133 is amended in the following respects:

1. Section 1361.3 (a) (2) is amended to read as follows:

(2) Actual transportation costs paid by the dealer for shipment of the item of farm equipment from the factory to the dealer, less any allowances or rebates on transportation costs received by the dealer. If the dealer wishes, he may use average instead of actual transportation costs. If average transportation costs are used, they must be applied to all sales. Also, such costs must be the average of transportation costs, less any allowances or rebates, for complete items of farm equipment during the completed calendar year (January 1 to December 31) immediately preceding the date of the sale.

2. Section 1361.8 (a) is added to read as follows:

(a) *Geographical applicability.* This regulation applies in the forty-eight states of the United States, the District of Columbia and in the territories and possessions of the United States, including Alaska, notwithstanding Revised Maximum Price Regulation 194.

This amendment shall become effective August 13, 1945.

Issued this 8th day of August 1945.

**CHESTER BOWLES,**  
*Administrator.*

[F. R. Doc. 45-14634; Filed, Aug. 8, 1945;  
11:40 a. m.]

**PART 1385—NAVAL STORES**

[RMPR 561, Amdt. 1]

**GUM NAVAL STORES**

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 561 is amended by changing the table of prices in section 12 (a) to read as follows:

Grade:		Per 100 pounds net f. o. b. cars at shipping point or on official or Savannah, Ga., yard	
X	-----		\$7.50
WW	-----		7.50
WG	-----		7.23
N	-----		6.98
M	-----		6.82
K	-----		6.80
I	-----		6.76
H	-----		6.76
G	-----		6.74
F	-----		6.70
E	-----		6.60
D	-----		6.07
B	-----		6.00

This amendment shall become effective August 13, 1945.

Issued this 7th day of August 1945.

**CHESTER BOWLES,**  
*Administrator.*

Approved: August 6, 1945.

**CLINTON P. ANDERSON,**  
*Secretary of Agriculture.*

[F. R. Doc. 45-14594; Filed, Aug. 7, 1945;  
4:19 p. m.]

**PART 1400—TEXTILE FABRICS: COTTON,  
WOOL, SILK, SYNTHETIC AND ADMIXTURES**

[MPR 478, Amdt. 5]

**COATED AND COMBINED FABRICS**

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 478 is amended in the following respects:

1. The introductory paragraph of section 1 (c) is amended to read as follows:

(c) *Persons.* This regulation applies to any manufacturer, converter, or wholesaler of coated or combined fabrics. A person may be a manufacturer as to certain fabrics and a converter or wholesaler as to others, depending upon the functions that he performs with respect to the fabric in question. When used in this regulation, the term:

2. Subparagraphs (1) and (6) of section 1 (c) are amended to read as follows:

(1) "Manufacturer" means any producer, job coater, or job combiner.

(6) "Wholesaler" means a person, other than a manufacturer or a converter, who sells coated or combined fabrics to resellers of such fabrics or to an industrial or commercial user, the United States, any other government, or any of its political subdivisions, or any agency of any of the foregoing.

3. A new subparagraph (7) is added to section 1 (c) to read as follows:

(7) "Supply jobber" means a person whose purchases of coated or combined fabrics for resale constitute a part of a large number of materials which he supplies to a given trade.

4. Section 8 (d) is amended to read as follows:

(d) *Computation of factory costs.* The factory costs of a fabric or service for manufacturers shall be the sum total of direct labor costs, direct materials costs including waste, and factory overhead costs. The direct labor costs shall be determined by multiplying the estimated number of hours of each type of labor required in the manufacture or supply of the fabric or service by the wage rates determined in accordance with subparagraph (1) of this paragraph. The direct materials costs shall be determined by multiplying the estimated quantity of each type of material required in the manufacture or supply of the fabric or service by the materials prices determined in accordance with subparagraph (2) of this paragraph. Waste shall be determined by applying the same methods as were used or would have been used by the manufacturer in similar production during the base period, adjusted to reflect the actual quantity of waste in the production or supply of the fabric or service being priced. Factory overhead costs shall be determined in the manner set forth in subparagraph (3) of this paragraph.

5. Section 9 is amended to read as follows:

Sec. 9. *Maximum wholesale prices—*  
(a) *How the wholesaler determines the*



maximum price. The maximum price per yard for a sale at wholesale of any fabric covered by this regulation which the wholesaler buys from a manufacturer, except for sales by a supply jobber, shall be determined by dividing the purchase price per yard determined in accordance with paragraph (b) by the applicable division factor listed in paragraph (c) of this section. (Maximum prices for supply jobbers are covered by paragraph (d) of this section.)

(b) *How the wholesaler determines his purchase price.* The purchase price which the wholesaler must use in determining the maximum price shall be determined as follows:

(1) The wholesaler shall first determine the net invoiced cost before cash discounts of the fabric, if available, not to exceed the applicable maximum price; or

(2) If the actual net invoiced cost is not available, the net invoiced cost before cash discounts of the fabrics as estimated by the wholesaler's supplier: *Provided*, That the wholesaler has no reason to believe that the price so estimated exceeds the maximum price which may be established; or

(3) If the cost determined under subparagraph (1) or (2) above is not on a delivered basis, the wholesaler shall add the actual cost of transportation to his place of business.

(c) *How the wholesaler determines the division factor which must be used in determining the maximum price.* The division factor which the wholesaler must use in determining the maximum price shall be as set forth in Table I and is determined by reference to the type of trade in which the sale is made and the type of purchaser. Division factors are provided only where it is normal for a sale to be made by wholesalers to the type of purchaser indicated. Maximum prices for sales to the types of purchasers for which no division factor is provided must be established under section 10. In such cases, maximum prices will be established for all sellers at such levels that the maximum price to the ultimate purchaser of the coated or combined fabric will be the same as though the sale were made through the normal distributive channel indicated in Table I.

TABLE I

DIVISION FACTORS FOR SALES OF COATED OR COMBINED FABRICS AT WHOLESALE

[In full roll yardages <sup>1</sup>]

Type of trade	Division factor for sales to—		
	Cutters <sup>4</sup>	Supply jobbers <sup>4</sup>	Retailers
Automobile repair <sup>2</sup> .....	0.80	0.85	0.75
Upholstery <sup>3</sup> .....	.80	.85	.75
All other.....	.85	.85	.75

<sup>1</sup> The maximum price for sales in cut yardages shall be 110 percent of the prices established by this table for full roll yardages. This price differential applies only where the sale consists of a single cut length of a given fabric.

<sup>2</sup> "Automobile repair trade" means the business of selling coated and combined fabrics used in the repair and replacement of automobile tops and upholstery, etc.

<sup>3</sup> "Upholstery trade" means the business of selling coated and combined fabrics used in the repair or covering of furniture.

<sup>4</sup> "Cutter" means a person who purchases coated or combined fabrics for use in the manufacture of a finished article.

<sup>5</sup> See definition in section 1 (c).

(d) *How the supply jobber determines his maximum price.* The maximum price per yard for sales of coated or combined fabrics by automobile repair, upholstery, and bookbinding supply jobbers, shall be determined by multiplying the purchase price per yard, determined in accordance with paragraph (b) of this section, by the following percentages:

	Percentage
Where the supply jobber sells in the original length purchased.....	125
Where the supply jobber purchases in full rolls and resells in cut lengths.....	137.5

(e) *Notification of maximum prices.*

(1) With or prior to the first delivery by a wholesaler of a coated or combined fabric to a purchaser other than a cutter, supply jobber, or retailer, the wholesaler shall notify such purchaser in writing of the specific maximum price applicable for his resales of the coated fabric. The maximum price for such resales shall be the maximum prices applicable for sales by the wholesaler to each class of purchaser as determined by paragraphs (a), (b), and (c) of this section.

(2) With or prior to the first delivery by a wholesaler of a coated or combined fabric to a supply jobber, the wholesaler shall notify such supply jobber in writing of the gross margins applicable for his resales, which shall be the gross margins set forth in paragraph (d) of this section.

(f) *Reports of maximum prices.* (1) *Reports.* The wholesaler, excluding a supply jobber, shall file a report with the Office of Price Administration, Washington, D. C., within ten days after he has sold or delivered for the first time after August 13, 1945 any fabric covered by this section. This report shall contain the following information:

(i) The name of the manufacturer, a complete description of the coated or combined fabric being priced (including the manufacturer's code number, if any, and a sample), and the net invoiced cost (as defined in paragraph (b) of this section).

(ii) The class of purchaser (cutter, supply jobber, retailer) and the principal business of the type of purchaser (manufacturer of handbags, etc.) to whom the fabric is sold.

(iii) The computed maximum price.

(g) *Application for adjustment.* Prior to September 13, 1945, any wholesaler, including a supply jobber, may apply to the Office of Price Administration, Washington, D. C., for an adjustment of his maximum price established by this section. Such application shall set forth the following:

(1) The nature of the wholesaler's business.

(2) The manner in which the wholesaler's business customarily differs from that of the ordinary wholesaler.

(3) The wholesaler's detailed profit and loss statement for the years 1939 through 1944.

(4) The effect of the maximum prices set forth in this section upon the wholesaler's business; showing inability to operate under these prices.

(5) The wholesaler's proposed divisional factor. If, in the opinion of the Price Administrator the divisional fac-

tors provided in this section are inapplicable to the applicant's customary and established type of business and subject him to undue hardship, the Administrator may by order authorize a modification of the maximum price and may also adjust maximum prices for resellers of the commodity involved.

6. A new section designated section 9a is added, to read as follows:

SEC. 9a *Maximum converters' prices.*

(a) *How the converter determines his maximum price.* The maximum price per yard for a sale by a converter of any coated or combined fabric covered by this regulation shall be determined by dividing the direct costs per yard determined in accordance with paragraph (b) by the applicable division factor listed in paragraph (c) of this section.

(b) *Direct costs.* The direct costs of a coated or combined fabric covered by this section shall consist of the sum of the cost of the cloth or base material, any finish necessary for the end use for which the fabric is sold, waste, the coating or combining service, and transportation costs. These costs shall be determined as follows:

(1) *Base material and finishing costs.* The cost for cloth or base material and of any necessary finish which the converter shall use in his calculations shall be determined as follows: If the cloth or base material is used in the unfinished state, the converter shall use in his calculations the highest maximum mill price in effect to him or to a purchaser of the same class on May 4, 1942, under applicable Office of Price Administration regulations or the current maximum mill price, whichever is lower. If the cloth or base material is used in the finished state, the converter shall use in his calculations the May 4, 1942, mill price to a purchaser of his class for the unfinished cloth, plus the finishing charges as established by Maximum Price Regulation 128—Processing Piece Goods. No allowance shall be made for finishes which are unnecessary for the end use for which the coated or combined fabric is sold. If finishes, such as leather finishes, are applied to a base coated fabric, the converter shall use in his calculations the price charged him by the finisher, not to exceed the applicable maximum prices authorized by Revised Maximum Price Regulation 165—Services.

(2) *Coating or combining cost.* The cost for the coating or combining service which the converter shall use in his calculations shall be the price charged the converter by the job coater or combiner, not to exceed the applicable maximum price authorized by this regulation.

(3) *Waste.* Waste shall be determined by applying the same methods as were used or would have been used by the converter in similar production during March 1942, but shall not exceed the following:

For spread coated fabrics—3 percent of the cost of the base material.

For calendar coated fabrics—5 percent of the cost of the base material.

For combined fabrics—3 percent of the cost of the base material.



For finishes, such as embossing, stenciling, and topping, to simulate leather finishes—2 percent of the cost of the base coated fabric.

(4) *Transportation.* The transportation costs which the converter shall use in his calculations shall be the actual cost at current rail or truck rates.

(c) *How the converter determines the division factor which must be used in determining the maximum price.* The division factor which the converter must use in determining the maximum price shall be as set forth in Table II and is determined by reference to the type of trade in which the sale is made and the type of purchaser. Division factors are provided only where it is normal for a sale to be made by converters to the type of purchaser indicated. Maximum prices for sales of the types for which no division factor is provided must be established under section 10. In such cases, maximum prices will be established for all sellers at such levels that the maximum price to the ultimate purchaser of the coated or combined fabric will be the same as though the sale were made through the distributive channel indicated in Table II.

TABLE II

DIVISION FACTORS FOR SALES OF COATED OR COMBINED FABRICS BY CONVERTERS

[In full roll yardages <sup>1</sup>]

Type of trade	Division factor for sales to—		
	Cutters <sup>1</sup>	Supply jobbers <sup>1</sup>	Retailers
Automobile repair <sup>1</sup>	0.75	0.825	0.70
Upholstery <sup>1</sup>	.75	.825	.70
All other	.80	.825	.70

<sup>1</sup> See definitions in footnotes of table I.

(d) *Notification of maximum prices.* (1) With or prior to the first delivery by a converter of a coated or combined fabric to a purchaser other than a cutter, supply jobber, or retailer, the converter shall notify such purchaser in writing of the specific maximum price applicable for his resales of the coated fabric. The maximum price for such resales shall be the maximum prices applicable for sales by the converter to each class of purchaser as determined by paragraphs (a), (b), and (c) of this section.

(2) With or prior to the first delivery by a converter of a coated or combined fabric to a supply jobber, the converter shall notify such supply jobber in writing of the gross margins applicable for his resales, which shall be the gross margins set forth in paragraph (d) of section 9.

(e) *Reports of proposed maximum prices.* (1) The converter shall file a report with the Office of Price Administration, Washington, D. C., within ten days after he has first sold or delivered any fabric priced under this section. The form in which the report must be filed is set forth in Appendix C.

(2) *Quotations, invoices, and payments pending approval of maximum prices.* Provisions of section 8b (d) shall apply to sales covered by this section.

(3) *Approval of maximum prices.* The provisions of section 8b (e) shall apply to sales covered by this section.

(f) *Application for adjustment.* The maximum prices for any converter may

be adjusted in accordance with section 9 (g) substituting the word "converter" for "wholesaler" wherever the latter word appears.

7. A new Appendix, designated Appendix C, is added to read as follows:

APPENDIX C—FORM FOR REPORTS OF MAXIMUM PRICES DETERMINED UNDER SECTION 9A

Form OPA 6401

Form Approved  
Budget Bureau  
No. 08—R1421

United States of America  
Office of Price Administration  
Washington, D. C.

MPR 478

Coated and Combined Fabrics

Report to be filed under paragraph (e) of section 9a

Converter..... Date.....

Address.....

Street..... City..... State.....

(NOTE: There are no printed copies of this form. You may reproduce it in a manner convenient to you.)

1. Description of fabric being priced:

(a) If base material is a textile—

Type of fabric; e. g., sateen, twill.....

Type of thread (cotton, rayon) and thread count.....

Width and weight.....

(b) If base material is a fibre (paper, etc.) give a full and complete description.

(c) Finishes applied to the cloth (dyeing, bleaching).....

(d) Coating—

Type (buna-S, pyroxylin, synthetic resin, etc.).....

Dry weight of coating.....

Number of coats, if known.....

Process by which applied.....

(e) Finishes applied to simulate leather finishes.....

(f) Finished width.....

(g) Anticipated end use.....

(h) Submit a sample.

2. Names and addresses of suppliers:

Base material.....

Textile finishes.....

Coating.....

Other finishes.....

3. Direct costs. Unit used in this calculation (linear yard, square foot, etc.).....

Item of cost:..... Amount.....

Fabric or base material..... \$.....

Textile finishing charges.....

Coating or combining charge.....

Other finishes.....

Waste.....

Transportation.....

Total direct cost.....

4. Maximum prices:

Class of purchaser..... Division factor..... Minimum price.....

This amendment shall become effective August 13, 1945.

NOTE: All reporting provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Forms printed in the FEDERAL REGISTER are for information only, and do not follow the exact Forms prescribed by the issuing agency.

Issued this 8th day of August 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-14633; Filed, Aug. 8, 1945; 11:39 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 373, Amdt. 15]

GROCERY ITEMS IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

The Table under section 21 (c) (1) is amended by deleting two items, "Onions, dry Australian brown" and "Onions, white pickling"; and by changing the prices of three items, to read as follows:

Items	Wholesale maximum prices	Retail maximum prices
Garlic.....	\$0.35 1/4 per lb.	Per lb. \$0.50
Onions, dry, red and yellow (new crop).....	\$4.05 per 50 lb. bag.	.11 1/2
Potatoes, white, size A, large.....	\$5.10 per 100 lb. bag.	.07

This amendment shall become effective as of July 18, 1945.

Issued this 8th day of August 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-14635; Filed, Aug. 8, 1945; 11:40 a. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14C, Correction to Amdt. 7]

MODIFICATION OF MAXIMUM PRICES ESTABLISHED BY GENERAL MAXIMUM PRICE REGULATION FOR CERTAIN FOODS AND BEVERAGES

In section 6.1 (a) (4) the heading appearing in the last column of the schedule is corrected to read "Maximum adjusted prices for bottlers and wholesalers to retailers only."

Issued this 8th day of August 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-14631; Filed, Aug. 8, 1945; 11:39 a. m.]

Chapter XVI—Office of Censorship

PART 1801—U. S. CENSORSHIP REGULATIONS

The U. S. Censorship Regulations, approved by the President on January 30, 1943, are hereby revised to read as follows:

GENERAL REGULATIONS

- Sec.  
1801.1 Scope of regulations.  
1801.2 Definitions.  
1801.3 Submitting communications to Censorship.

<sup>1</sup> 10 F.R. 6646, 7407, 7794, 7799, 8020, 8069, 8371, 8979.



## Sec.

- 1801.4 Discretion of censor.
- 1801.5 Communication with enemy territory or enemy nationals.
- 1801.6 Communications to members of the armed forces.
- 1801.7 Subjects prohibited.
- 1801.8 Instructions to communication companies.

## POSTAL CENSORSHIP REGULATIONS

- 1801.21 Mail requirements.
- 1801.22 Codes and secret inks.
- 1801.23 Mail to enemy nationals.

## CABLE AND RADIO REGULATIONS

- 1801.41 Wire and radio traffic.
- 1801.42 Information regarding messages.
- 1801.43 Proper address.
- 1801.44 Registered addresses.
- 1801.45 Signature.
- 1801.46 Supplementary information.
- 1801.47 Text.
- 1801.48 Languages permitted.
- 1801.49 Commercial codes.
- 1801.50 Test words.
- 1801.51 Information from sender.
- 1801.52 Numbers in text.
- 1801.53 Market reports.
- 1801.54 Press messages.
- 1801.55 Personal messages in commercial cables.

## TELEPHONE CENSORSHIP REGULATIONS

- 1801.71 Call requirements.
- 1801.72 Calls from hotels.
- 1801.73 Calls from public pay stations.
- 1801.74 Languages permitted.
- 1801.75 Exemptions.
- 1801.76 Application to incoming calls.

**AUTHORITY:** §§ 1801.1 to 1801.76, inclusive, issued under the authority vested in the Director of Censorship pursuant to sec. 3 (c) of the Trading with the Enemy Act of 1917 (40 Stat. 412), sec. 303 of the First War Powers Act, 1941, (55 Stat. 840), Executive Order 8985 (6 F.R. 6625), and Treasury Decision 50536 (6 F.R. 6807).

§ 1801.1 *Scope of regulations.* These regulations pertain to all communications passing between the United States, its territories or possessions, and any foreign country, or which may be carried by any vessel or other means of transportation touching at any port, place, possession, or territory of the United States and bound to or from any foreign country.

§ 1801.2 *Definitions.* As used in these regulations,

(a) The term "communication" shall include any letter or other writing, book, map, plan, or other paper, picture, sound recording or other reproduction, telegram, cablegram, wireless message, telephone conversation either by landlines or radiotelephone circuits, or any message transmitted by any signaling device, carrier pigeon, by word of mouth, or by any other means.

(b) The term "enemy territory" shall include the territory of and the territory occupied or controlled by any nation with which the United States is or may hereafter be at war.

(c) The term "enemy national" shall mean:

(1) The government of any country with which the United States is or may hereafter be at war, and any agent, instrumentality, or representative of such government, or other person acting therefor, wherever situated;

(2) The government of any other country having its seat within enemy territory and any agent, instrumentality, or representative thereof, or other person acting therefor, actually situated within enemy territory;

(3) Any individual within enemy territory, except any individual serving in or officially accompanying the Armed Forces of the United Nations; or any partnership, association, corporation, or other organization, to the extent that it is actually situated within enemy territory;

(4) Any person whose name appears on the Proclaimed List of Certain Blocked Nationals, as revised and supplemented, promulgated pursuant to the President's Proclamation of July 11, 1941, and any other person acting therefor unless the latter is duly authorized to so act.

§ 1801.3 *Submitting communications to Censorship.* (a) Whoever takes or sends out of, or brings into, or attempts to take or send out of, or bring into the United States any communication, except in the regular course of the mail or through a communications company whose traffic normally passes through censorship or a communication examined and passed by the Bureau of Customs, shall submit such communication to the Director of Censorship, Washington, D. C., prior to transmission, or prior to the disclosure of the contents of such communication or any part thereof.

(b) Whoever either for himself or on behalf of another receives a communication, except an unaddressed regularly scheduled radio broadcast communication intended for reception by the general public or through a communications company whose traffic normally passes through censorship or a communication examined and passed by the Bureau of Customs or a communication received in the regular course of the mail, shall immediately submit such communication and all information relative thereto to the Director of Censorship, Washington, D. C., and shall not disclose the contents or any part thereof until authorized by him.

(c) The master of any vessel entering the territorial waters of, or any port, place, possession, or territory of, the United States and having on board, carrying, conveying, or otherwise transporting upon such vessel any communication, whether in a foreign postal service or otherwise, except communications in International Postal Service destined to enter United States Postal Service or communications examined and passed by the United States Bureau of Customs, shall immediately submit such communication to Censorship by delivering the same to the nearest United States Postmaster or to the Censorship officer boarding such vessel.

(d) Any person upon any vessel entering the territorial waters of, or any port, place, possession, or territory, of the United States and having in his possession or custody any communication, except a communication examined and passed by United States Bureau of Customs, shall immediately submit such communication to Censorship by deliver-

ing the same to the nearest United States Postmaster, or to the Censorship officer boarding said vessel.

§ 1801.4 *Discretion of censor.* All communications shall be sent, filed or transmitted at the sender's risk and may be condemned, suppressed, delayed, or otherwise dealt with at the discretion of the censor without notice.

§ 1801.5 *Communication with enemy territory or enemy nationals.* No communication shall be sent or transmitted to enemy territory or to any enemy national except as specifically provided in these regulations, or as otherwise authorized by the Office of Censorship.

§ 1801.6 *Communications to members of the Armed Forces.* Communications to members of the United States Armed Forces located outside the United States, in addition to complying with these regulations, must bear the address officially designated by the Military or Naval authorities.

§ 1801.7 *Subjects prohibited.* No reference, either open or hidden, shall be made to any of the following subjects in any communication unless officially disclosed or authorized by appropriate governmental authority:

(a) *Troops.* Exact composition, character and equipment of Allied troops which are in, or preparing for, service in the Pacific-Asiatic area.<sup>1</sup> Identity, movement, or prospective movement of Allied Army, Navy, or Marine Corps units which are in, have been alerted for, or are on their way to, the Pacific-Asiatic area from American territory anywhere; those moving, or about to move directly from Europe to the Pacific-Asiatic area.

(b) *Ships and shipping.* (1) Naval vessels: Identity, character, description, location, assembly, movement and prospective movement of warships, transports, auxiliaries and convoys in any waters; information as to the date of launching or commissioning of naval vessels:

(2) Merchant vessels of more than 1,000 tons (gross register tonnage) of the United States, other United Nations, or of neutral registry operating under Allied control, when they are within or proceeding to or from the combat shipping area, which area will be defined by the Director of Censorship as military conditions permit.

(i) Identity, location, assembly, movement, or time of departure or arrival more specific than one week's time, but approximate dates, such as "next week," "soon," etc., are permissible;

(ii) Except in necessary shipping documents or operating instructions sent by other than electrical means

<sup>1</sup> As used throughout this regulation the term "Pacific-Asiatic area" means the Far Eastern combat zone, including the southwestern Alaskan peninsula, and the land and water areas of the entire Pacific Ocean except the coastal waters of South America, and extending westward on land and sea to and including Aden, Capetown, and the east coast of Africa. The area will be redefined by the Director of Censorship as military conditions permit.



association of the name of the vessel with the name of its port of arrival or departure.

(3) Identity or location of enemy naval or merchant vessels in any waters.

(4) Existence of mine fields or other harbor defenses, including secret guides to navigators.

(5) Information about the sinking or damaging from war causes of war or merchant vessels in any waters.

(c) *Planes.* Disposition, composition, movements, missions or strength of Allied military air units within or proceeding to or from the Pacific-Asiatic area; military activities of commercial airlines in the Pacific-Asiatic area. Information concerning new and current military aircraft and related items of equipment.

(d) *Fortifications and installations.* Location and description of fortifications, coast defense emplacements, anti-aircraft guns and other air defense installations, including defense installation details of public airports used for military purposes; location or description of camouflaged objects.

(e) *Production.* New or secret weapons, identity and location of plants making them; secret designs, formulas, processes or experiments connected with the war; rate of production of matériel used in or for specialized military operations; movements or transportation of war matériel.

(f) *Military intelligence.* Information concerning the war intelligence or counter-intelligence, operations, methods, or equipment of the United States, its Allies or the enemy; secret detection devices; secret United States or Allied means or systems of military communications.

(g) *General.* (1) Information as to arrival, movements, confinement or identity of military prisoners from the Pacific-Asiatic area.

(2) Details concerning escape from, or evasion of capture in, enemy or enemy-occupied territory; and details concerning interment or release from internment in neutral territory.

(3) Photographs or maps conveying any of the information prohibited by this section: aerial photographs of harbors, war plants, military or vital defense installations;

(4) Secret war plans, or diplomatic negotiations or conversations which concern military operations;

(5) Advance information on routes, times and methods of travel by the President, Movements of ranking Army, Navy, and Marine officers to, from or within the Pacific-Asiatic area;

(6) Information about actual or impending enemy attacks on continental United States;

(7) Any other matter whose dissemination might directly or indirectly aid the enemy.

§ 1801.8 *Instructions to communication companies.* The Rules for Communication Companies approved by the President on January 30, 1943, are hereby revoked, and the Director of Censorship is hereby authorized to issue such instructions to communication companies as he may from time to time deem necessary to implement these regulations.

#### POSTAL CENSORSHIP REGULATIONS

In addition to the foregoing general regulations, the following regulations apply in particular to those communications carried in the mails.

§ 1801.21 *Mail requirements.* All mail directed to foreign countries shall comply with the following requirements:

(a) The full name and complete address of the sender must be shown both on the outside of the envelope and in the letter itself;

(b) Communications will be written in English, if possible. If English is not used, the name of the language used should be written in English on the face of the envelope.

§ 1801.22 *Codes and secret inks.* The use of codes or ciphers, unless authorized, secret inks, and other secret writings is prohibited.

§ 1801.23 *Mail to enemy nationals.* The sending of any communication by mail to any enemy national, directly or indirectly, requires an individual license from the Office of Censorship, except as provided in (a), (b), and (c) below:

(a) The American Red Cross has been authorized to transmit, after censorship, short messages of a personal nature to residents in enemy territory. Letters, documents, and messages of a business nature cannot be sent by this means. Application should be made to any Red Cross chapter.

(b) If not otherwise objectionable to Censorship, and if authorized by a Treasury Department License communications which relate to, or are a part of a commercial or financial transaction may be sent to persons or firms on The Proclaimed List of Certain Blocked Nationals without further authority from the Office of Censorship, *Provided*, That the communication is in compliance with the terms and conditions of the Treasury license. In such case the original Treasury Department license, a duplicate original, or photostatic copy should be enclosed with each communication and the communication posted in the usual manner. In cases where a communication relating to a transaction with anyone in enemy territory has been authorized by a Treasury Department license, such communication must be submitted, properly addressed and bearing the required postage, to the Chief Postal Censor, Washington, D. C., for censorship action, together with the Treasury license, a duplicate original or photostatic copy.<sup>2</sup>

(c) Mail may be sent to prisoners of war, internees, and detainees confined in the United States, in enemy countries, and in other foreign countries. Such communications should be addressed to the person concerned at the address furnished by such person or by the agency authorized to furnish the information. No postage is required.

*Note:* The detaining power prescribes the restrictions governing all mail written by or to prisoners of war or internees. In the United States, prisoners of war are under

<sup>2</sup> Application for a license to communicate as provided in § 1801.23 (b) above, may be made at the Federal Reserve Bank in the applicant's district, or in Washington, D. C.

the jurisdiction of the Provost Marshal General of the War Department; civilian internees and detainees are under the Immigration and Naturalization Service of the Department of Justice.

#### CABLE AND RADIO REGULATIONS

In addition to the general regulations, the following regulations apply in particular to all wire and radio traffic.

§ 1801.41 *Wire and radio traffic.* Wire and radio traffic includes (a) all radio traffic, (b) wire traffic originating in the United States and destined outside the United States, or originating outside the United States and destined to a point in the United States, or originating and terminating outside the United States, but handled in transit within the United States, and (c) that wire traffic purporting to be confined to a domestic address but in fact intended for destination beyond the United States. These regulations govern telephone communications only insofar as applicable thereto. For the purpose of these regulations the word "message" shall mean only communications by wire or radio, and the word "patron" shall include both the sender and the addressee of a message.

§ 1801.42 *Information regarding messages.* Reports of delivery, sender's corrections and all other services by a communication company at the request of a patron and the giving of any information to a patron concerning censorship's action on any message are prohibited unless permission is obtained from the Office of Censorship. This regulation does not apply to money orders, cancellations, or press dispatches.

Patrons filing "reply prepaid" messages do so at their own risk.

§ 1801.43 *Proper address.* Every message must be so addressed that it will clearly identify the addressee for whom the message is intended.

Except where a registered address is permitted under these regulations, the address must be in plain language. The use of an abbreviation of the entire address, provided such abbreviation is sufficient in itself to insure the identification of the addressee by the censor, is not prohibited, but all such abbreviations are used at the risk of the sender.

The names of large or well-known buildings, banks, and hotels may be sufficient without street addresses.

§ 1801.44 *Registered addresses.* Registered addresses may be used only when authorized by the Director of Censorship.

§ 1801.45 *Signature.* All messages, except Government messages of the United States and the United Nations, must be signed.

The signature transmitted should, when considered in connection with the text and addressee, be such as to identify the sender clearly, and distinguish him from any other individual, firm, or organization with a similar name. A surname is rarely considered sufficient identification.

The transmitted signature of a firm or organization must be sufficiently complete to identify it clearly. The name of a responsible member of the firm or officer of the organization may be used,



provided satisfactory information regarding him is made available to the censor.

§ 1801.46 *Supplementary Information.* The following supplementary information need not be transmitted as a part of the message, but may, by direction of the sender and on payment by him of the landline toll, be transmitted as far as the station of the Cable Censor having jurisdiction:

(a) *Addresses.* When any registered address or any abbreviation of a plain language address is used in a message, the full name and full address of the addressee must also be recorded on the form on which such message is filed with the communication company.

If the message is addressed to an individual acting on behalf of a firm, organization or individual, the name and address of such firm, organization or individual, and the addressee's connection with it, must appear on the form as well as the name and address of the addressee.

(b) *Sender.* In addition to the signature required on the message, the full name and full address of the sender must be recorded, as supplementary information, on the form on which each message is filed with the communication company.

If the message is signed by an individual acting in behalf of a firm, organization or individual, or by an abbreviated form of the name of that organization, or is charged to an individual or organization other than the signer, the full name and full address of that individual or organization must also be given on the form.

(c) The name of the commodity, if any, involved in the message, must be stated on the form, and should, except as provided in the general regulations, be stated in the text of the message.

§ 1801.47 *Text.* Messages will not be passed unless the meaning of the text is clear to the censor. Messages consisting of address and signature only, with no text, are not permitted.

§ 1801.48 *Languages permitted.* All language messages must be in English, French, Portuguese or Spanish, unless otherwise authorized by the Director of Censorship.

Any word, term, phraseology or language having a double meaning as used is prohibited. Terms or words common in any profession or trade may be used if intelligible to the Censor and not susceptible to double meaning as used.

§ 1801.49 *Commercial codes.* Use of only the following commercial codes is permitted:

Name of code:	Indicating symbol
ABC Sixth Edition.....	ABC
ACME Code and Supplement.....	ACME
Bentley's Complete Phrase Code.....	BENCOM
Bentley's Second Phrase Code.....	BENSEC
Lombard General Code.....	LOMGEN
Lombard Shipping Code and Appendix.....	LOMSHIP
New Standard Half Word Code.....	STANHAF
New Standard Three Letter Code.....	STANTER
Peterson's Third Edition.....	PET

The code used must be indicated by placing the appropriate indicating symbol in the preamble of the message.

Patrons should ascertain from the communication companies whether the code used is acceptable by the Censorship authorities, if any, in the country of destination of the message.

The use of private codes is not permitted except by special license granted by the Director of Censorship. Such licenses will not be granted unless the applicant furnishes 15 copies of the code book for the use of censors.

The use of code words to express prices is forbidden. Code words from catalogues or price lists may be used to designate commodities when accompanied in each case by an identifying word, if the meaning is clear to the censor.

§ 1801.50 *Test words.* Banks and business institutions which have previously used test words in the conduct of their business are privileged to continue to use test words in transmitting messages.

Any other bank or other business institution desiring to use test words in transmitting its messages may apply to the Office of Censorship for permission, but before the privilege is granted, and at any time thereafter, must furnish such information as may be required.

A test word must normally be the first or last word in the text of a message. If several transactions are combined in any one message, a test word for each transaction is permitted.

The test word privilege may be withdrawn at any time.

§ 1801.51 *Information from sender.* Information required by the censor from the sender in the United States in regard to a specific message may be requested by a collect telegram from the censor to the sender.

In connection with any message relating to a financial or commercial transaction, the censor may require complete information relative to the identity of all parties involved, the ultimate purpose of the transaction, and all facts deemed necessary by the censor.

Any information which the sender may consider necessary to make the meaning of his message clear to the censor may be imparted in a prepaid domestic telegram addressed to the censor having jurisdiction. This telegram (Memorandum Message) should be filed with the message to which it refers.

§ 1801.52 *Numbers in text.* Numbers that are unrelated to the text and not readily understandable to the censor are not permitted.

Serial numbers in messages are subject to deletion, but may, at the sender's risk, be included as the first word in the message when they can be readily understood by the censor and plainly do not convey a hidden meaning.

§ 1801.53 *Market reports.* Routine daily market reports will be expedited by the censor when received from recognized news agencies.

§ 1801.54 *Press messages.* No person engaged in transmitting press material shall accept or transmit as press messages

any message intended for personal use unless such message is designated as personal and relates only to the personnel employed by such person. The word "person" as used in this regulation means an individual, corporation, partnership, society, or association.

§ 1801.55 *Personal messages in commercial cables.* The sending of personal messages, in behalf of others, either in the text of financial cables, or as separate messages, by banks, brokers, corporations, or any individual who transfers funds or handles financial transactions on behalf of others, is hereby prohibited. This regulation shall not apply to communication companies.

For the purpose of this regulation, a personal message is a message which is personal in nature and is not essential to the transfer of funds or the commercial transaction involved in the message.

#### TELEPHONE CENSORSHIP REGULATIONS

In addition to the general regulations, the following regulations apply in particular to all telephone calls.

§ 1801.71 *Call requirements.* Before an outgoing telephone call will be completed, the patron must furnish the telephone operator with his full name, the number and address of the telephone from which the call is put through, his occupation and business address (if he does not have a business address, his home address), his proposed topic of conversation, namely, (a) Government, (b) business (exact business subject, e. g., oil, coffee, etc.) or (c) social, and the full name and address of the person called. This information must be furnished on both person-to-person and station-to-station calls.

If other than immediate service is desired, the patron may state the time at which he desires his call completed. Patrons will not be permitted to "hold the 'phone'" while calls are being completed. It is permissible, if the censor is notified beforehand of the names and addresses of all persons participating, for personal conversations to be shared by various persons at either end of the line.

§ 1801.72 *Calls from hotels.* Patrons calling from hotels must be identified by the hotel management or other known authority. They may call from any instrument in the hotel.

§ 1801.73 *Calls from public pay stations.* Calls will not be completed from public pay stations or from other telephone stations where the person calling cannot subsequently be identified.

§ 1801.74 *Language permitted.* Unless otherwise authorized by the Director of Censorship, the English and Spanish languages will be permitted on calls between the United States and Mexico, and the English and French languages on calls between the United States and Canada. On radiotelephone circuits, in addition to English, the French, Spanish, and Portuguese languages will be permitted except in the event that translators are not available at the censorship point.

§ 1801.75 *Exemptions.* The Office of Censorship may in its discretion allow



exemptions to Telephone Censorship, §§ 1801.71 to 1801.74, inclusive, on certain specially designated landline telephone traffic by informing the telephone company of exemptions to be permitted.

§ 1801.76 *Application to incoming calls.* Where any of the foregoing regulations apply specifically to outgoing calls, the general principles apply as well to incoming calls.

BYRON PRICE,  
*Director.*

MAY 5, 1945.

Approved: August 8, 1945.

HARRY S. TRUMAN,  
*The White House.*

[F. R. Doc. 45-14627; Filed, Aug. 8, 1945;  
11:27 a. m.]

#### Chapter XXIII—Surplus Property Board [SPB Reg. 2, Amdt. 3]

#### PART 8302—PRIORITIES OF GOVERNMENT AGENCIES AND STATE OR LOCAL GOVERN- MENTS

Surplus Property Board Regulation No. 2, April 24, 1945, entitled "Priorities of Government Agencies and State or Local Governments" (10 F.R. 5104, 8911, 9478) is hereby amended by changing the last sentence of § 8302.2 to read as follows: "It shall not apply to any disposals of real property, nor to any classes of property designated in section 19 of the Surplus Property Act of 1944, except that the Smaller War Plants Corporation may exercise its priority under § 8302.6 to make purchases of aircraft and parts peculiar to aircraft for resale to veterans under Part 8307."

This amendment shall become effective August 3, 1945.

SURPLUS PROPERTY BOARD,  
W. STUART SYMINGTON,  
*Chairman.*  
EDWARD H. HELLER,  
*Member.*  
ROBERT A. HURLEY,  
*Member.*

AUGUST 3, 1945.

[F. R. Doc. 45-14647; Filed, Aug. 8, 1945;  
11:51 a. m.]

[SPB Reg. 7, Amdt. 2]

#### PART 8307—PREFERENCES FOR VETERANS

Surplus Property Board Regulation No. 7, May 29, 1945, entitled "Preferences for Veterans" (10 F.R. 6519, 9119) is amended in the following respects:

1. The second sentence of § 8307.2 is amended to read as follows: "It shall not apply to real property, nor to any classes of property designated in section 19 of the Surplus Property Act of 1944 except aircraft and parts peculiar to aircraft."  
2. Section 8307.10 is amended to read as follows:

§ 8307.10 *Limit on purchases for resale to veterans.* The Smaller War Plants Corporation shall not purchase for resale to any one veteran hereunder more than one airplane. Apart from

airplanes, the Smaller War Plants Corporation shall not purchase for resale to any one veteran hereunder surplus property in excess of \$2,500 as determined by the disposal agencies' sales prices.

This amendment shall become effective August 3, 1945.

SURPLUS PROPERTY BOARD,  
W. STUART SYMINGTON,  
*Chairman.*  
EDWARD H. HELLER,  
*Member.*  
ROBERT A. HURLEY,  
*Member.*

AUGUST 3, 1945.

[F. R. Doc. 45-14649; Filed, Aug. 8, 1945;  
11:51 a. m.]

#### TITLE 47—TELECOMMUNICATION Chapter I—Federal Communications Commission

#### PART 1—RULES OF PRACTICE AND PROCEDURE FINANCIAL OWNERSHIP AND OTHER REPORTS OF BROADCAST LICENSEES

##### *Correction*

In Federal Register Document 45-14435, appearing at page 9718 of the issue for Tuesday, August 7, 1945, paragraph (b) of § 1.302 should read: "(b) by-laws affecting character of organization, control, number or powers of its officers or directors, the classification or voting rights of any stock;"

##### *Notices*

#### DEPARTMENT OF LABOR.

##### Wage and Hour Division.

##### LEARNER EMPLOYMENT CERTIFICATES ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms hereinafter mentioned under section 14 of the act, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determinations, orders and/or regulations hereinafter mentioned. The names and addresses of the firms to which certificates were issued, industry, products, number of learners, and effective and expiration dates of the certificates are as follows:

*Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order, June 7, 1943 (8 F.R. 7890):*  
Circle Sportswear Company, Scranton, Pennsylvania; dresses; 10 percent (T); effective July 30, 1945, expiring July 29, 1946.

Forest City Manufacturing Company, St. Louis, Missouri; house dresses; 10 percent (T); effective August 1, 1945, expiring July 31, 1946.

Fox Knapp Manufacturing Company, Tremont, Pennsylvania; men's and boys' jackets and sports; 10 percent (T); effective August 5, 1945, expiring August 4, 1946.

Southern Garment Manufacturing Company, Inc., Culpeper, Virginia; work pants; work breeches; 10 percent (T); effective August 1, 1945, expiring July 31, 1946.

*Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079):*  
Crystal Hosiery Mill, Denton, North Carolina; seamless; 5 learners (T); effective August 3, 1945, expiring August 2, 1946.

Hewitt Hosiery Mills, Marion, North Carolina; seamless; 10 learners (AT); effective August 1, 1945, expiring January 31, 1946.

Morristown Knitting Mills, Inc., Rogersville, Tennessee; seamless; 45 learners (E); effective August 1, 1945, expiring January 31, 1946.

Union Manufacturing Company, Union Point, Georgia; seamless; 10 percent (AT); effective August 2, 1945, expiring February 1, 1946.

*Independent Telephone Learner Regulations, July 17, 1944 (9 F.R. 7125):*

Eastern Illinois Telephone Company, Rantoul, Illinois; to employ learners as commercial switchboard operators at its Rantoul exchange, located at Rantoul, Illinois; effective August 2, 1945, expiring August 1, 1946.

Farmers New Era Telephone Co., Hebron, Illinois; to employ learners as commercial switchboard operators at its Hebron, Illinois, exchange, located at Hebron, Illinois; effective August 4, 1945, expiring August 3, 1946.

Mid-West States Telephone Company, Oakfield, Wisconsin; to employ learners as commercial switchboard operators at its Oakfield exchange, located at Oakfield, Wisconsin; effective August 4, 1945, expiring August 3, 1946.

Polk County Telephone Company, Tryon, North Carolina; to employ learners as commercial switchboard operators at its Tryon exchange, located at Tryon, North Carolina; effective August 10, 1945, expiring August 9, 1946.

Telephone Exchange, Prescott, Arkansas; to employ learners as commercial switchboard operators at its Prescott exchange, located at Prescott, Arkansas; effective August 4, 1945, expiring August 3, 1946.

Winneshago County Telephone Company, Rockton, Illinois; to employ learners as commercial switchboard operators at its Rockton, Illinois, exchange, located at Rockton, Illinois; effective August 4, 1945, expiring August 3, 1946.

*Regulations, Part 522—Regulations Applicable to the Employment of Learners (29 CFR, Part 522):*

The Worth Company, 145 Main St., Stevens Point, Wisconsin; fly, leader and snelled hook tying; 15 learners; fly tying for a learning period of 480 hours at 35 cents per hour; effective July 30, 1945, expiring October 26, 1945.

Colette Manufacturing Company, Santurce, Puerto Rico; Hairnet; 40 learners; Covering elastics, machine knotting, machine clipping at 16½ cents an hour for the first 160 hours, 25 cents an hour for the second 160 hours, 27½ cents an hour for every hour thereafter; examining, knitting at 16½ cents an hour for the first 240 hours, 25 cents an hour for the second 240 hours, 27½ cents an hour for every hour thereafter, knotting, spooling at 16½ cents an hour for the first 320 hours, 25 cents an hour for the second 320 hours, 27½ cents an hour for every hour thereafter; warping at 16½ cents an hour for the first 400 hours, 21 cents an hour for the second 400 hours, 25 cents an hour for the third 400 hours, 27½ cents an hour for every hour



thereafter; effective May 7, 1945, expiring one year from May 7, 1945.

Puerto Rico Mills, Inc., Puerta de Tierra, Puerto Rico; Full-fashioned hostery; 25 learners; legging, seaming, looping, topping, footling at 15¢ an hour for the first 480 hours, 18½¢ for the second 480 hours, 22½¢ an hour for the third 480 hours, and for every hour thereafter not less than the minimum established by any applicable wage order that may be in effect at the time of the termination of the learning period; winding, final inspection, foot inspection, leg inspection, mending at 15¢ an hour for the first 360 hours, 22½¢ an hour for the second 360 hours, and for every hour thereafter not less than the minimum established by any applicable wage order that may be in effect at the time of the termination of the learning period, effective July 1, 1945, expiring one year from July 1, 1945.

Puerto Rico Fiber Corporation, Barrio Miradero, Mayaguez, Puerto Rico; Rope, bag, fabric and ship fender; 192 learners; defibering, carding, loom operator; drawing frames, forming, laying, machine operations, spinning frame at 20 cents an hour for the first 230 hours, 22½ cents an hour for the second 230 hours, 25 cents an hour for the third 230 hours and for every hour thereafter not less than the minimum established by any applicable wage order that may be in effect at the time of the termination of the learning period; effective May 21, 1945, expiring four months from May 21, 1945.

U. S. Textile Importing Company, Rio Piedras, Puerto Rico; machine embroidering of cord on lace; 100 learners; machine embroidering at 18 cents an hour for the first 240 hours and not less than 24 cents an hour for every hour thereafter; effective June 28, 1945, expiring one year from June 28, 1945.

The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of the applicable determinations, orders and/or regulations cited above. These certificates have been issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Signed at New York, New York, this 2nd day of August 1945.

PAULINE C. GILBERT,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 45-14615; Filed, Aug. 7, 1945;  
4:48 p. m.]

#### FEDERAL POWER COMMISSION.

[Docket No. IT-5961]

JOSE BARRERA GONZALEZ AND CENTRAL  
POWER AND LIGHT CO.

NOTICE OF APPLICATION

AUGUST 4, 1945.

Notice is hereby given that Jose Barrera Gonzalez of San Pedro Roma, Mex-  
No. 158—9

ico, and Central Power and Light Company of Corpus Christi, Texas, have filed joint application pursuant to the provisions of section 202 (e) of the Federal Power Act (16 U. S. C. 824a (e)) for authority to transmit electric energy from the electric generating plant of Central Power and Light Company at San Benito, Texas, across the international boundary between the United States and Mexico near Roma, Texas, to San Pedro Roma, Tamaulipas, Mexico, in an amount not to exceed 30,000 kilowatt-hours per year and at a rate of supply not in excess of 50 kilowatts.

Any person desiring to be heard or to make any protest with reference to said application should, on or before August 20, 1945, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and regulations under the Federal Power Act.

[SEAL]

J. H. GUTRIE,  
Acting Secretary.

[F. R. Doc. 45-14585; Filed, Aug. 7, 1945;  
3:03 p. m.]

#### INTERSTATE COMMERCE COMMISSION.

[2d Rev. S. O. 300, Amended Special  
Permit 24]

#### ICING OF POTATOES FROM POINTS ON LONG ISLAND RAILROAD

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 6802), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the furnishing of initial icing on not to exceed thirteen (13) refrigerator cars, loaded with potatoes, to be shipped August 10 to 15, inclusive, 1945, at a rate not to exceed five (5) cars per day, from points on the Long Island Railroad, consigned to Quarter Master Market Center, New Orleans, Louisiana, for export, and to accord one reicing in transit only, at Columbus, Ohio (by P. R. R.), on the said thirteen (13) cars. (L. I.-P. R. R. to Cincinnati, Ohio, L. & N.).

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of August 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 45-14628; Filed, Aug. 8, 1945;  
11:31 a. m.]

[2d Rev. S. O. 300, Special Permit 27]

#### ICING OF POTATOES FROM GREENPORT, LONG ISLAND, N. Y. AND HIGHTSTOWN, N. J.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 6802), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the furnishing of initial icing only on cars of potatoes as follows:

MRC 7019 from Greenport, L. I., to Dan Storey, Pittsburgh, Pa. (LI-B&O).  
BRE 78567 from Hightstown, N. J., to F. W. Albrecht Grocery Co., Akron, Ohio (PRR-B&O).

WFE 63412 from Hightstown, N. J., to Weaver & Co., Akron, Ohio (PRR), and  
FGE 50330 from Hightstown, N. J., to Iron City Produce Co., Pittsburgh, Pa. (PRR).

and to the furnishing of standard refrigeration on car WFE 65317 from Greenport, L. I. to Sidney Alterman, Port Everglades, Florida. (LI-PRR-Sou-FEC). All five cars shipped August 2, 1945, by P. H. Vahlsing, Inc.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of August 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 45-14629; Filed, Aug. 8, 1945;  
11:31 a. m.]

[2d Rev. S.O. 300, Special Permit 28]

#### ICING OF POTATOES FROM CRANBURY, N. J.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 6802), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the initial icing at Potomac Yards and one reice at Florence on WFE 49727 shipped August 3 or 4 by Chamberlin & Barclay from Cranbury, N. J., to Savannah, Georgia, with stop-off at Charleston, S. C., routed PRR-RF&P-ACL.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by



filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of August 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 45-14630; Filed, Aug. 8, 1945;  
11:32 a. m.]

# OFFICE OF PRICE ADMINISTRATION.

[MPR 188, Order 46 Under Order 1052]

THE PACIFIC CHAIR CO.

## ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to paragraph (h) of Order No. 1052 under § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturer's maximum prices.* The Pacific Chair Co., 1121 Ballard Way, Seattle, Washington, may add the following additional adjustment charges to its maximum prices for sales to retailers of the articles listed below which it manufactures, resulting in the following adjusted maximum prices:

Article	Model No.	Maximum price	Adjustment permitted by paragraph (d) of order No. 1052	Additional adjustment permitted by this order	Total adjusted maximum price
Chair.....	34 98-K	Each \$1.10 .90	\$0.06 .05	\$0.19 .38	Each \$1.35 1.33

The adjustment charges listed above may be made and collected only if each is separately stated on each invoice. The adjusted maximum prices are subject to the manufacturer's customary terms, discounts, allowances, and other price differentials in effect during March 1942.

(b) *Maximum prices of purchasers for resale.* A person who hereafter buys an article covered by this order and resells it in substantially the same form, may collect from his customers, in addition to his properly established maximum price in effect immediately before this order was issued, an adjustment charge in the same amount as the additional adjustment charge herein authorized for and which he pays to his supplier. If he did not have a maximum price in effect for the article at the time this order was issued, he may add the same adjustment charge to the maximum price which he hereafter establishes for his sales under the applicable regulation. If the applicable regulation requires the maximum resale price to be computed on the basis of cost, the reseller must find his maximum resale price (not including the permitted adjustment charge) by using as cost his invoice cost less any adjustment charge stated on the invoice as a separate amount.

On all sales other than sales to the ultimate consumer this additional adjustment charge may be made and col-

lected only if it is separately stated on each invoice. The adjusted price is subject to each seller's customary terms, discounts and allowances on sales of the same or similar articles. The adjustment charge authorized in this paragraph (b) is in addition to any adjustment charge permitted for wholesalers by Order No. 1052 under Maximum Price Regulation No. 188.

(c) *Notification.* At the time of or prior to the first invoice to a purchaser for resale on and after the effective date of this order, showing prices adjusted in accordance with this order, the sellers shall notify the purchaser in writing of the method established by paragraph (b) of this order for determining adjusted maximum prices for resales of the articles. This notice may be given in any convenient form, and is, in addition to any notice required by paragraphs (d) or (e) of Order No. 1052 of Maximum Price Regulation No. 188.

(d) All requests not specifically granted by this order are hereby denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 8th day of August 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-14597; Filed, Aug. 7, 1945;  
4:20 p. m.]

[MPR 188, Order 47 Under Order 1052]

BILTWEEL CHAIR AND FURNITURE CO.

## ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to Paragraph (h) of Order No. 1052 under § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

(a) Biltwell Chair and Furniture Co., Denton, North Carolina, may add the following additional adjustment charges to its maximum prices for sales and deliveries to the classes of purchasers specified of the articles listed below which it manufactures, resulting in the following adjusted maximum prices:

### FOR SALES TO JOBBERS AND CAR-LOAD PURCHASERS

Article	Model No.	Maximum price	Adjustment permitted by paragraph (d) of order No. 1052	Additional adjustment permitted by this order	Total adjusted maximum price
Drop leaf table.....	203	\$5.76	\$0.29	\$1.63	\$7.68
Extension table.....	217	5.76	.29	1.59	7.64
	223	7.40	.37	1.75	9.52
Finished chair.....	73	1.36	.07	.31	1.74
	86	1.56	.08	.26	1.90

### FOR SALES TO RETAILERS OTHER THAN CAR-LOAD PURCHASERS

Drop leaf table.....	203	\$6.12	\$0.31	\$1.63	\$8.06
Extension table.....	217	6.12	.31	1.59	8.02
	223	7.86	.39	1.75	10.00
Finished chair.....	73	1.44	.07	.31	1.82
	86	1.66	.08	.26	2.00

The adjustment charges listed above may be made and collected only if each is separately stated on each invoice. The adjusted maximum prices are subject to the manufacturer's customary terms, discounts, and allowances, and other price differentials in effect during March 1942.

(b) *Maximum prices of purchasers for resale.* A person who hereafter buys an article covered by this order and resells it in substantially the same form, may collect from his customers, in addition to his properly established maximum price in effect immediately before this order was issued, an adjustment charge in the same amount as the additional adjustment charge herein authorized for and which he pays to his supplier. If he did not have a maximum price in effect for the article at the time this order was issued, he may add the same adjustment charge to the maximum price which he hereafter establishes for his sales under the applicable regulation. If the applicable regulation requires the maximum resale price to be computed on the basis of cost, the reseller must find his maximum resale price (not including the permitted adjustment charge) by using as cost his invoice cost less any adjustment charge stated on the invoice as a separate amount.

On all sales other than sales to the ultimate consumer this additional adjustment charge may be made and collected only if it is separately stated on each invoice. The adjusted price is subject to each seller's customary terms, discounts and allowances on sales of the same or similar articles. The adjustment charge authorized in this paragraph (b) is in addition to any adjustment charge permitted for wholesalers by Order No. 1052 under Maximum Price Regulation No. 188.

(c) *Notification.* At the time of or prior to the first invoice to a purchaser for resale on and after the effective date of this order, showing prices adjusted in accordance with this order, the sellers shall notify the purchaser in writing of the method established by paragraph (b) of this order for determining adjusted maximum prices for resales of the articles. This notice may be given in any convenient form, and is, in addition to any notice required by paragraphs (d) or (e) of Order No. 1052 of Maximum Price Regulation No. 188.

(d) All requests not specifically granted by this order are hereby denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 8th day of August 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-14598; Filed, Aug. 7, 1945;  
4:20 p. m.]

[MPR 188, Order 48 Under Order 1052]

THE TROUTMAN CHAIR CO.

## ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed



with the Division of the Federal Register, and pursuant to Paragraph (h) of Order No. 1052 under § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturer's maximum prices.* The Troutman Chair Company, Troutman, North Carolina, may add the following additional adjustment charges to its maximum prices for sales and deliveries to retailers of the articles listed below which it manufactures, resulting in the following adjusted maximum prices:

Article	Model No.	Maximum price per dozen	Adjustment permitted by paragraph (d) of order No. 1052	Additional adjustment permitted by this order	Total adjusted maximum price per dozen
Chair.....	112	\$10.00	\$0.50	\$1.30	\$11.80
	11	12.00	.60	1.35	13.95
	55	10.00	.60	1.36	11.86
	8	14.40	.72	.85	15.97

The adjustment charges listed above may be made and collected only if each is separately stated on each invoice. The adjusted maximum prices are subject to the manufacturer's customary terms, discounts, allowances, and other price differentials in effect during March 1942.

(b) *Maximum prices of purchasers for resale.* A person who hereafter buys an article covered by this order and resells it in substantially the same form, may collect from his customers, in addition to his properly established maximum price in effect immediately before this order was issued, an adjustment charge in the same amount as the additional adjustment charge herein authorized for and which he pays to his supplier. If he did not have a maximum price in effect for the article at the time this order was issued, he may add the same adjustment charge to the maximum price which he hereafter establishes for his sales under the applicable regulation. If the applicable regulation requires the maximum resale price to be computed on the basis of cost, the reseller must find his maximum resale price (not including the permitted adjustment charge) by using as cost his invoice cost less any adjustment charge stated on the invoice as a separate amount.

On all sales other than sales to the ultimate consumer this additional adjustment charge may be made and collected only if it is separately stated on each invoice. The adjusted price is subject to each seller's customary terms, discounts and allowances on sales of the same or similar articles. The adjustment charge authorized in this paragraph (b) is in addition to any adjustment charge permitted for wholesalers by Order No. 1052 under Maximum Price Regulation No. 188.

(c) *Notification.* At the time of or prior to the first invoice to a purchaser for resale on and after the effective date of this order, showing prices adjusted in accordance with this order, the sellers shall notify the purchaser in writing of the method established by paragraph (b)

of this order for determining adjusted maximum prices for resales of the articles. This notice may be given in any convenient form and is, in addition to any notice required by paragraphs (d) or (e) of Order No. 1052 of Maximum Price Regulation No. 188.

(d) All requests not specifically granted by this order are hereby denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 8th day of August 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-14599; Filed, Aug. 7, 1945;  
4:21 p. m.]

[MPR 188, Order 4223]

PREMIER LAMP CO.

#### APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Premier Lamp Company, 23 East 21st Street, New York, New York.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		
		Jobbers	Retailers	For sales by any person to consumers
15" Hand-sewn rayon silk over silk lamp shade with double ruching trim top & bottom and sprayed white frame.....	1000	Each \$4.68	Each \$5.50	Each \$9.90
18" Hand sewn rayon silk over silk lamp shade with triple ruching trim top & bottom & sprayed white frame.....	1001	5.10	6.00	10.80
15" Hand sewn Bengalene lamp shade with single ruching top trim & bias fold bottom trim-frame sprayed white.....	1002	3.80	4.50	8.10

These maximum prices are for the articles described in the manufacturer's application dated March 3, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary

terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. -----  
OPA Retail Ceiling Price—\$-----  
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 8th day of August 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-14600; Filed, Aug. 7, 1945;  
4:22 p. m.]

[MPR 188, Order 4224]

ELECTRONICS MFG. CO.

#### APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Electronics Manufacturing Company, 25 Park Place, New York, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		
		Jobbers	Retailers	For sales by any person to consumers
Fluorescent bed lamp floored, and with ballast.....	1	Each \$3.40	Each \$4.00	Each \$7.20



These maximum prices are for the articles described in the manufacturer's application dated May 11, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. -----  
OPA Retail Ceiling Price—\$-----  
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 8th day of August 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-14601; Filed, Aug. 7, 1945;  
4:22 p. m.]

[MPR 188, Order 4225]

GEORGE DRAPKIN INDUSTRIES

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by George Drapkin Industries, 1027 Church Avenue, Brooklyn, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		
		Jobbers	Retailers	For sales by any person to consumers
Fluorescent bed lamp with adjustable clamps, and equipped with ballast.....	5018	Each \$3.83	Each \$4.50	Each \$8.10

These maximum prices are for the articles described in the manufacturer's application dated March 31, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. -----  
OPA Retail Ceiling Price—\$-----  
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 8th day of August 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-14602; Filed, Aug. 7, 1945;  
4:22 p. m.]

[MPR 188, Order 4226]

S. F. Mfg. Co.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the S. F. Manufacturing Company, 1918 Two Notch Road, Columbia 13, S. C.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Chain and department stores	Other retailers	Consumers
Cooky sheet, aluminum.....	103	Doz. \$1.50	Doz. \$1.80	Doz. \$2.00	Each \$0.25
Cooky sheet, aluminum.....	104	2.34	2.81	3.12	.39

These maximum prices are for the articles described in the manufacturer's application dated April 9, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the correct retail ceiling price filled in:

OPA Retail Ceiling Price—\$-----  
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.



(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 8th day of August 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-14603; Filed, Aug. 7, 1945;  
4:22 p. m.]

[MPR 188, Order 4227]

ALISTO MFG. CO.

#### APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Alisto Manufacturing Company, 222 Main Street, Cincinnati 2, Ohio.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		
		Jobbers	Retailers	For sales by any person to consumers
"Rin-Tin-Tin Lamp".....	1	\$1.28	\$1.50	\$2.70
"Old Man Fire-Side Lamp" (radio lamp).....	2	1.85	2.18	3.90

These maximum prices are for the articles described in the manufacturer's application dated March 30, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is

established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. -----  
OPA Retail Ceiling Price—\$-----  
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 8th day of August 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-14604; Filed, Aug. 7, 1945;  
4:23 p. m.]

[Gen. RO 8, 1 Amdt. 2 to Cancellation Order 1<sup>2</sup>]

WENTWORTH BUS LINES, INC.

#### CANCELLATION OF RATIONING RIGHTS

The Director of the Office of Economic Stabilization has by Directive issued August 3, 1945, (10 F.R. 9684) directed that the effective date of Cancellation Order No. 1 under General Ration Order No. 8 be changed to October 1, 1945.

Therefore, Cancellation Order No. 1 under General Ration Order No. 8 is amended in the following respects:

1. Section 1 is amended by striking out "August 15, 1945" and inserting "October 1, 1945" in place thereof.

2. Section 2 is amended by deleting "August 16, 1945" and inserting in place thereof "October 2, 1945" and by deleting "August 21, 1945" in both places in which it appears in said section and inserting in place thereof "October 7, 1945."

3. Section 3 is amended by deleting "August 16, 1945" and inserting "October 2, 1945" in place thereof.

4. The effective date of said Cancellation Order No. 1 is changed to October 1, 1945.

This amendment shall become effective August 7, 1945.

Issued this 7th day of August 1945.

MAX McCULLOUGH,  
Deputy Administrator for Rationing.

[F. R. Doc. 45-14596; Filed, Aug. 7, 1945;  
4:20 p. m.]

<sup>1</sup> 8 F.R. 3783, 5677, 9626, 15455; 9 F.R. 402, 1325, 2746, 4196, 4878, 7419; 10 F.R. 860, 8236.  
<sup>2</sup> 10 F.R. 8163, 8577.

[MPR 425, Order 2]

#### FRESH FRUITS, BERRIES AND VEGETABLES FOR PROCESSING

##### ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order and pursuant to section 7 of Maximum Price Regulation 425; *It is ordered:*

That the varieties of grapes known as Concord, Early Concord, Cottage, Eaton, Fredonia, Hicks, King, Moore Early, Rockwood and Worden may be sold and delivered to processors under an agreement in each case between the buyer and seller that the prices shall be later determined pursuant to action taken by the Office of Price Administration after delivery.

In any sale of grapes pursuant to this order, the seller shall not invoice the goods for more than the maximum price for such sale in effect at the time of delivery nor charge or receive more than that price until appropriate action has been taken by the Office of Price Administration.

This order shall become effective August 11, 1945, and shall automatically expire upon the establishment of new maximum prices for the varieties of grapes described above.

Issued this 8th day of August 1945.

JAMES G. ROGERS, JR.,  
Acting Administrator.

Approved: August 3, 1945.

J. B. HUTSON,  
Acting Secretary of Agriculture.

[F. R. Doc. 45-14644; Filed, Aug. 8, 1945;  
11:43 a. m.]

[Supp. Order 94, Order 75]

#### STEEL BOXES

##### SPECIAL EXEMPTION OF SALES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with section 11 of Supplementary Order 94, *It is ordered:*

(a) Notwithstanding the provisions of any regulation or order issued prior to the effective date of this order by the Office of Price Administration, sales by all persons of the new steel boxes hereinafter described which have been or may be sold by the Department of Commerce or any other United States Government agency are exempt from price control.

*Description of box.* New steel box with cover, inside dimensions 62" x 16½" x 16½", made of 13 gauge steel, painted blue gray inside and outside, all seams watertight, weight approximately 150 lbs.

(b) This order may be revoked or amended at any time.

This order shall become effective August 9, 1945.

Issued this 8th day of August 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-14638; Filed, Aug. 8, 1945;  
11:41 a. m.]



[RMPR 434, Order 1]

EASTERN SHORE OF VIRGINIA PRODUCE  
EXCHANGE, INC.

## ADJUSTMENT OF MAXIMUM PRICES

A petition has been filed for amendment of Revised Maximum Price Regulation 434, Used Fruit and Vegetable Containers to adjust the maximum prices for cooperatives and custom packers that sell the items covered by this regulation. It has been shown that the Eastern Shore of Virginia Produce Exchange, Inc. is a cooperative and that authorization to use adjustable pricing pending action on the petition is necessary to promote production and distribution of the commodities involved and that the granting of such authorization will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended.

After due consideration of the foregoing and in accordance with section 9 of Revised Maximum Price Regulation 434, It is ordered:

(a) Pending final determination by the Office of Price Administration of the petition for amendment now on file, the Eastern Shore of Virginia Produce Exchange, Inc., may sell and deliver and any person may buy and receive from it used fruit and vegetable containers subject to this regulation at prices adjustable to those subsequently established by the Office of Price Administration for cooperatives and custom packers.

(b) Eastern Shore of Virginia Produce Exchange, Inc., Ser-Onley, Virginia, may collect no more than existing maximum prices pending final determination of the petition, and at that time may collect no more than the maximum prices then authorized.

(c) This order shall be automatically revoked on the effective date of action on the petition. It may be amended or revoked by the Office of Price Administration at any time.

This order shall become effective August 9, 1945.

Issued this 8th day of August 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-14645; Filed, Aug. 8, 1945;  
11:43 a. m.]

## Regional and District Office Orders.

[Spokane Order 96-B Under MPR 426]

## CANTALOUPE IN WALLACE, IDAHO

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration; It is hereby ordered:

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and

generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said Method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said Method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

TABLE X

(a) Commodity: Cantaloupes.  
(b) Basing Point: El Centro, Calif.  
(c) Wholesale receiving point: Wallace, Idaho.  
(d) Method of transportation: Carlot to Spokane, I. e. l. Wallace.  
(e) Freight rate by Method (d) from basing point to wholesale receiving point: \$1.08 plus 51¢=1.59.

	Per unit of sale	
	Standard rate of 68 lbs.	Per lb.
(f) Freight charge by Method (d)...	\$1.00	-----
(g) Basing point cost.....	2.70	-----
(h) Protective services.....	.34	-----
(i) Maximum price in wholesale receiving point (sum of "f", "g" and "h").....	4.13	\$0.0607

This order shall become effective July 9, 1945, and may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 9th day of July 1945.

DAVE S. COHN,  
District Director.

[F. R. Doc. 45-14473; Filed, Aug. 6, 1945;  
1:23 p. m.]

[Spokane Order 97-B Under MPR 426]

## CANTALOUPE IN PULLMAN, WASH.

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration; It is hereby ordered:

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said Method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said Method (d)

from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

TABLE X

(a) Commodity: Cantaloupes.  
(b) Basing Point: El Centro, Calif.  
(c) Wholesale receiving point: Pullman, Wash.  
(d) Method of transportation: Carlot to Spokane, I. e. l. Pullman.  
(e) Freight rate by Method (d) from basing point to wholesale receiving point: \$1.08 plus 41¢.

	Per unit of sale	
	Standard rate of 68 lbs.	Per lb.
(f) Freight charge by Method (d)...	\$1.01	-----
(g) Basing point cost.....	2.70	-----
(h) Protective services.....	.34	-----
(i) Maximum price in wholesale receiving point (sum of "f", "g" and "h").....	4.05	\$0.06

This order shall become effective July 9, 1945, and may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 9th day of July 1945.

DAVE S. COHN,  
District Director.

[F. R. Doc. 45-14474; Filed, Aug. 6, 1945;  
1:23 p. m.]

[Spokane Order 98-B Under MPR 426]

## CANTALOUPE IN SPOKANE, WASH.

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration, It is hereby ordered:

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said Method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said Method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price charge-



able for said commodity in said wholesale receiving point.

TABLE X

- (a) Commodity: Cantaloupes.  
(b) Basing point: El Centro, Calif.  
(c) Wholesale receiving point: Spokane, Wash.  
(d) Method of transportation: Carlot.  
(e) Freight rate by Method (d) from basing point to wholesale receiving point: \$1.08.

	Per unit of sale	
	Standard crate of 68 lbs.	Per lb.
(f) Freight charge by Method (d).....	\$0.73	-----
(g) Basing point cost.....	2.70	-----
(h) Protective services.....	.34	-----
(i) Maximum price in wholesale receiving point (sum of "f", "g", and "h").....	3.77	\$0.054

This order shall become effective July 9, 1945, and may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of July 1945.

DAVE S. COHN,  
District Director.

[F. R. Doc. 45-14475; Filed, Aug. 6, 1945; 1:13 p. m.]

[Spokane Order 99-B Under MPR 426]

#### PLUMS IN WALLACE, IDAHO

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration, *It is hereby ordered:*

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said Method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said Method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

TABLE X

- (a) Commodity: Plums 4 (4 x 5 size) 4 baskets in crate.  
(b) Basing point: Sacramento, Calif.  
(c) Wholesale receiving point: Wallace, Idaho.  
(d) Method of transportation: Carlot to Portland, I. c. l. to Wallace.  
(e) Freight rate by Method (d) from basing point to wholesale receiving point: \$1.72.

	Per unit of sale	
	Per crate of 32 lbs. gross	Per lb. graded and packed
(f) Freight charge by Method (d).....	\$0.55	-----
(g) Basing point cost.....	2.63	-----
(h) Protective services.....	.04	-----
(i) Maximum price in wholesale receiving point (sum of "f", "g", and "h").....	3.22	\$0.115

This order shall become effective July 9, 1945, and may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of July 1945.

DAVE S. COHN,  
District Director.

[F. R. Doc. 45-14476; Filed, Aug. 6, 1945; 1:11 p. m.]

[Spokane Order 100-B Under MPR 426]

#### PLUMS IN PULLMAN, WASH.

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration, *It is hereby ordered:*

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said Method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said Method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

TABLE X

- (a) Commodity: Plums 4 (4 x 5 size) baskets in crate.  
(b) Basing point: Sacramento, Calif.  
(c) Wholesale receiving point: Pullman, Wash.  
(d) Method of transportation: Carlot to Portland, I. c. l. to Pullman.  
(e) Freight rate by Method (d) from basing point to wholesale receiving point: \$1.53.

	Per unit of sale	
	Per crate of 32 lbs. gross	Per lb. graded and packed
(f) Freight charge by Method (d).....	\$0.49	-----
(g) Basing point cost.....	2.63	-----
(h) Protective services.....	.04	-----
(i) Maximum price in wholesale receiving point (sum of "f", "g", and "h").....	3.16	\$0.111

This order shall become effective July 9, 1945, and may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of July 1945.

DAVE S. COHN,  
District Director.

[F. R. Doc. 45-14477; Filed, Aug. 6, 1945; 1:11 p. m.]

[Spokane Order 101-B Under MPR 426]

#### PLUMS IN WALLA WALLA, WASH.

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration, *It is hereby ordered:*

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said Method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said Method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

TABLE X

- (a) Commodity: Plums 4 (4 x 5 size) baskets in crate.  
(b) Basing point: Sacramento, Calif.  
(c) Wholesale receiving point: Walla Walla, Wash.  
(d) Method of transportation: Carlot to Portland, I. c. l. to Walla Walla.  
(e) Freight rate by Method (d) from basing point to wholesale receiving point: \$1.23.

	Per unit of sale	
	Per crate of 32 lbs. gross	Per lb. graded and packed
(f) Freight charge by Method (d).....	\$0.39	-----
(g) Basing point cost.....	2.63	-----
(h) Protective services.....	.04	-----
(i) Maximum price in wholesale receiving point (sum of "f", "g", and "h").....	3.06	\$0.11

This order shall become effective July 9, 1945, and may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)



Issued this 9th day of July 1945.

DAVE S. COHN,  
District Director.[F. R. Doc. 45-14478; Filed, Aug. 6, 1945;  
1:11 p. m.]

[Spokane Order 102-B Under MPR 426]

## PLUMS IN LEWISTON, IDAHO

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration, *It is hereby ordered:*

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said Method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said Method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

TABLE X

- (a) Commodity: Plums 4 (4 x 5 size) baskets in crate.  
(b) Basing point: Sacramento, Calif.  
(c) Wholesale receiving point: Lewiston, Idaho.  
(d) Method of transportation: Carlot to Portland, LCL to Lewiston.  
(e) Freight rate by Method (d) from basing point to wholesale receiving point: \$1.53.

	Per unit of sale	
	Per crate of 32 lbs. gross	Per lb. graded and packed
(f) Freight charge by Method (d)...	\$0.49	-----
(g) Basing point cost.....	2.63	-----
(h) Protective services.....	.04	-----
(i) Maximum price in wholesale receiving point (sum of "f", "g", and "h").....	3.16	\$0.111

This order shall become effective July 9, 1945, and may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of July 1945.

DAVE S. COHN,  
District Director.[F. R. Doc. 45-14479; Filed, Aug. 6, 1945;  
1:11 p. m.]

[Spokane Order 103-B Under MPR 426]

## PLUMS IN KENNEWICK, WASH.

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration, *It is hereby ordered:*

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said Method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

TABLE X

- (a) Commodity: Plums 4 (4 x 5 size) baskets in crate.  
(b) Basing point: Sacramento, California.  
(c) Wholesale receiving point: Kennewick.  
(d) Method of transportation: Carlot to Portland, l. c. l. Portland to Kennewick.  
(e) Freight rate by Method (d) from basing point to wholesale receiving point: \$1.03 cwt.

	Per unit of sale	
	Per crate of 32 lbs.	Per lb.
(f) Freight charge by Method (d)...	\$0.33	-----
(g) Basing point cost.....	2.63	-----
(h) Protective services.....	.04	-----
(i) Maximum price in wholesale receiving point (sum of "f", "g" and "h").....	3.00	\$0.107

This order shall become effective July 9, 1945, and may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of July 1945.

DAVE S. COHN,  
District Director.[F. R. Doc. 45-14480; Filed, Aug. 6, 1945;  
1:10 p. m.]

[Spokane Order 104-B Under MPR 426]

## PLUMS IN SPOKANE, WASH.

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration, *It is hereby ordered:*

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

TABLE X

- (a) Commodity: Plums 4 (size 4 x 5 baskets in crate).  
(b) Basing point: Sacramento, Calif.  
(c) Wholesale receiving point: Spokane, Wash.  
(d) Method of transportation: Carlot to Portland, l. c. l. Portland to Spokane.  
(e) Freight rate by Method (d) from basing point to wholesale receiving point: \$1.53.

	Per unit of sale	
	Per crate of 32 lbs. gross	Per lb. graded and packed
(f) Freight charge by Method (d)...	\$0.49	-----
(g) Basing point cost.....	2.63	-----
(h) Protective services.....	.04	-----
(i) Maximum price in wholesale receiving point (sum of "f", "g" and "h").....	3.16	\$0.111

This order shall become effective July 9, 1945, and may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of July 1945.

DAVE S. COHN,  
District Director.[F. R. Doc. 45-14481; Filed, Aug. 6, 1945;  
1:10 p. m.]



[Region VI Gen. Order 59 Under MPR 329]

## FLUID MILK IN ROCKFORD, ILL.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 (b) of Maximum Price Regulation 329, it is hereby ordered, that:

(a) *Maximum producer prices.* The maximum price which distributors of fluid milk in Rockford, Illinois may pay the producers of milk sold for human consumption in fluid form shall be the price determined under the provisions of Maximum Price Regulation No. 329 for milk having a butterfat content of 3.5%, plus not more than 5¢ per cwt. for each 1/10% of butterfat in excess of 3.5%, and minus not less than 5¢ per cwt. for each 1/10% of butterfat below 3.5%.

(b) *Applicability of producers' prices.* This order shall apply to all purchases of milk from producers, for resale for human consumption in fluid form, by distributors whose bottling plants are located in Rockford, Illinois or who sell within that city 50% or more of the milk sold by them.

(c) *Relation of this order to Office of Price Administration regulation.* No purchaser shall pay a larger proportion of transportation costs incurred in the delivery or supply of milk than he paid on deliveries during January 1943. Except as modified by this order, the provisions of the Maximum Price Regulation No. 329 shall remain in full force and effect and shall not be evaded by any change in business or trade practices in effect during that month.

(d) *Definitions.* Unless the context otherwise requires, the definition set forth in Maximum Price Regulation No. 329, and the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(e) *Revocability.* This order may be revoked, amended or corrected at any time.

This order shall be effective the 30th day of July 1945.

Issued this 25th day of July 1945.

RAE E. WALTERS,  
Regional Administrator.

[F. R. Doc. 45-14490; Filed, Aug. 6, 1945;  
3:17 p. m.]

[Region VII Order G-2 Under SR 15]

## FLUID MILK IN IDAHO AND MALHEUR COUNTY, OREG.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and § 1499.75 (a) (9) of Supplementary Regulation 15 to the General Maximum Price Regulation, and for the reasons set forth in the accompanying opinion this compilation of Order No. G-2 under Supplementary Regulation 15 to the General Maximum Price Regulation, including Amendment No. 1 is issued.

(a) *What this order does.* This compilation rewrites Order No. G-2 so as to

reflect all changes made therein by Amendment No. 1; it supersedes Order G-1 under § 1499.75 (a) (2) (ii) of the General Maximum Price Regulation, issued November 25, 1942, and all amendments thereto, but leaves unaffected Order No. G-29 under § 1499.18 (c) of the General Maximum Price Regulation, as amended; divides Malheur County in the State of Oregon and all that part of the State of Idaho contained within this Region VII, except the City of Boise, into three districts; and establishes maximum prices in each district for fluid milk when sold at wholesale or at retail for human consumption; maintains present maximum prices that are higher than the specific maximum prices named herein; and makes no change in maximum prices as established by said Order No. G-2 and Amendment No. 1 thereto.

(b) *Relation to other orders.* This compilation of Order No. G-2 incorporates Amendment No. 1 and thereby presents in one document a full and complete statement of the adjusted maximum prices for fluid milk sold for human consumption at wholesale and at retail in the three areas covered, except as to higher prices duly established under the General Maximum Price Regulation and the transactions covered by Regional Order No. G-29 under § 1499.18 (c) of the General Maximum Price Regulation.

(c) *Three districts created.* For the purpose of this order, the area covered is divided into three districts, to be known as District No. 1, District No. 2, and District No. 3, each of which said districts shall be as defined in paragraph (j) hereof.

(d) *Maximum prices for fluid milk when sold at wholesale and at retail in Districts 1, 2, and 3, respectively.* The maximum prices for fluid milk sold at wholesale or at retail in glass bottles or paper containers, in a quantity of one gallon or less, in Districts Nos. 1, 2, and 3, respectively, as defined herein, shall, upon and after the effective date of this order, be as follows:

## DISTRICT NO. 1

Size of glass or paper container	Grade A milk		Ungraded milk	
	Wholesale	Retail	Wholesale	Retail
	Cents	Cents	Cents	Cents
1/2 pint.....	3 3/4		3 3/4	
Pint.....	5 1/2	6	5	6
Quart.....	10 1/2	12 1/2	9 1/2	11 1/2
1/2 gallon.....	19	23	17	21
Gallon.....	37	43	33	39

## DISTRICT NO. 2

	Cents	Cents	Cents	Cents
1/2 pint.....	4 1/4		3 3/4	
Pint.....	6	7	5 1/2	6
Quart.....	11 1/2	13 1/2	10 1/2	12 1/2
1/2 gallon.....	21	25	19	23
Gallon.....	41	47	37	43

## DISTRICT NO. 3

	Cents	Cents	Cents	Cents
Quart.....		15		14

(e) *Higher established maximum prices may be maintained.* Any seller whose established maximum prices under

§ 1499.2 of the General Maximum Price Regulation or any applicable price regulation thereto or pursuant to any market agreement or order made or issued under the provisions of the Agricultural Marketing Agreement Act, as amended, that are higher than the prices fixed by this compilation of Order No. G-2 may continue to sell at such higher established maximum prices, and the same shall not be modified or superseded by this order.

(f) *Customary discounts, allowances, and differentials need not be maintained.* Upon and after the effective date of this compilation of Order No. G-2, it shall not be obligatory upon any seller of fluid milk hereunder to maintain or continue any customary allowance, discount, quantity discount, or differential heretofore established by him: *Provided, however,* That any seller may sell at a price lower than the maximum prices established by this compilation of Order No. G-2 if he so desires.

(g) *Exempt sales.* This compilation of Order No. G-2 does not apply to or in any manner affect sales of fluid milk made by one distributor or wholesaler to another distributor or wholesaler, or to purchases made from producers under Maximum Price Regulation No. 329.

(h) *Fractional price adjustments.* If the computed price for any sale includes a half-cent, the price shall be adjusted upward to the next cent.

(i) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(j) *Definitions.* (1) "District No. 1" means all that area in the State of Idaho contained within the Counties of Boise, Butte (except the community of Arco), Camas, Clark, Custer (except the communities of Challis and Mackay), Lemhi (except the community of Salmon), Owyhee, and Teton.

(2) "District No. 2" means all of that area in the State of Idaho contained within the Counties of Ada (except the City of Boise), Adams, Bannock, Bear Lake, Bingham, Blaine, Bonneville, Canyon, Caribou, Cassia, Elmore, Franklin, Fremont, Gem, Gooding, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida, Payette, Power, Twin Falls, Valley (except the Town of Stibnite), and Washington; and the communities of Arco in Butte County, Challis, and Mackay in Custer County, and Salmon in Lemhi County; and the County of Malheur in the State of Oregon.

(3) "District No. 3" means all of the Town of Stibnite in Valley County in the State of Idaho.

(4) "Grade A Milk" means milk produced and sold under conditions which qualify it for sale and delivery in glass or paper containers at wholesale and at retail under municipal regulation which by ordinance incorporates therein all of the material and substantial terms and



provisions of the police regulation commonly referred to as "Standard Milk Ordinance", and milk which has been produced by one having a Grade A producer's certificate or license duly issued by the Public Health Department of the State of Idaho in accordance with the law of that state regulating the production and sale of Grade A milk when sold and delivered at wholesale or at retail in glass bottles or paper containers for human consumption.

(5) "Ungraded milk" means all milk produced and sold and distributed in glass bottles or paper containers for human consumption as fluid milk, and which does not meet the requirements specified for "Grade A Milk" as set forth in the preceding subparagraph (4).

(6) "Producer" means a farmer or other person or representative who owns, superintends, manages, or otherwise controls the operation of a farm or dairy lot on which milk is produced for sale and distribution in glass bottles or paper containers for human consumption.

(k) Right to revoke or amend. This compilation of Order No. G-2 may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

**Effective date.** This compilation of Order No. G-2, including Amendment No. 1, shall become effective on the 26th day of July 1945.

Issued this 26th day of July 1945.

RICHARD Y. BATTERTON,  
Regional Administrator.

[F. R. Doc. 45-14492; Filed, Aug. 6, 1945;  
3:19 p. m.]

[Sioux Falls Order G-1 Under RMPR 259]

#### DOMESTIC MALT BEVERAGES IN CERTAIN COUNTIES IN SOUTH DAKOTA

For the reasons set forth in the accompanying opinion, it is hereby ordered:

**SECTION 1. What this order does.** In accordance with the provisions of section 4.1 (c) of RMPR 259, as amended, this order establishes a base delivery zone for wholesalers of bottled and canned domestic malt beverages by establishing the geographical limits of such a zone.

**SEC. 2. Where this order applies.** The provisions of this order apply to all wholesalers of bottled and canned domestic malt beverages located within the counties of Aurora, Brookings, Davison, Douglas, Hanson, Hutchinson, Kingsbury, Lake, Lincoln, McCook, Minnehaha, Miner, Moody, Sanborn and Turner in the State of South Dakota.

**SEC. 3. Applicability—(a) Within the base delivery zone.** No wholesaler located within the area described in section 2 of this order may charge for delivery within the base delivery zone consisting of all of Aurora, Brookings, Davison, Douglas, Hanson, Hutchinson, Kingsbury, Lake, Lincoln, McCook, Minnehaha, Miner, Moody, Sanborn, Turner, Bon Homme, Yankton, Clay and Union Counties in the State of South Dakota.

Such sellers' ceiling prices for sales may not exceed the ceiling prices figured in accordance with the provisions of RMPR 259, as amended.

(b) **Outside the base delivery zone.** Such sellers located within the area described in section 2 of this order may charge in addition to their ceiling prices for bottled and canned domestic malt beverages for delivery outside the base delivery zone described in section 3 (a) in accordance with the applicable provisions of RMPR 259, as amended. The charges which may be added are:

Distance beyond base delivery zone:	Permitted delivery charge (cents per case)
20 miles or less.....	3
More than 20 miles but less than 40 miles.....	6
40 miles or more but less than 60 miles.....	9
60 miles or more but less than 80 miles.....	12
80 miles or more but less than 100 miles.....	15
100 miles or more but less than 120 miles.....	18
120 miles or more but less than 140 miles.....	21
140 miles or more.....	24

(c) **Wholesalers located outside the area described in section 2.** This order shall not apply to wholesalers located outside the area described in section 2 of this order.

**SEC. 4. Definitions.** Unless the context otherwise requires the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in RMPR 259, as amended, shall apply to the terms used herein.

This order shall become effective August 4, 1945.

Issued this 28th day of July 1945.

E. J. WINTERSTEEN,  
District Director.

[F. R. Doc. 45-14491; Filed, Aug. 6, 1945;  
3:18 p. m.]

[Spokane Order 106B Under MPR 426]

#### CANTALOUPE IN SPOKANE, WASH.

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration, *It is hereby ordered:*

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said Method (d) between points. With

respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said Method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

TABLE X

(a) Commodity: Cantaloupes.		
(b) Basing point: Mendota, Calif.		
(c) Wholesale receiving point: Spokane, Wash.		
(d) Method of transportation: Carlot.		
(e) Freight rate by Method (d) from basing point to wholesale receiving point: \$0.93 cwt.		
	Per unit of sale	
	Standard crate of 68 lbs.	Per lb.
(f) Freight charge by Method (d).....	\$0.63	-----
(g) Basing point cost.....	2.30	-----
(h) Protective services.....	.34	-----
(i) Maximum price in wholesale receiving point (sum of "f", "g" and "h").....	3.29	\$0.477

This order shall become effective July 26, 1945, and may be revoked, amended, or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.: E. O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 26th day of July 1945.

DAVE S. COHN,  
District Director.

[F. R. Doc. 45-14493; Filed, Aug. 6, 1945;  
3:19 p. m.]

[Spokane Order 107B Under MPR 426]

#### CANTALOUPE IN PULLMAN, WASH.

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration, *It is hereby ordered:*

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said Method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said Method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any,



allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

TABLE X

- (a) Commodity: Cantaloupe.  
(b) Basing point: Mendota, Calif.  
(c) Wholesale receiving point: Pullman, Wash.  
(d) Method of transportation: Carlot to Spokane, I. c. l. Pullman.  
(e) Freight rate by Method (d) from basing point to wholesale receiving point: \$1.35 cwt.

	Per unit of sale	
	Standard crate of 68 lbs.	Per lb.
(f) Freight charge by Method (d)...	\$0.92	-----
(g) Basing point cost.....	2.30	-----
(h) Protective services.....	.34	-----
(i) Maximum price in wholesale receiving point (sum of "f", "g" and "h").....	3.65	\$0.052

This order shall become effective July 26, 1945, and may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of July 1945.

DAVE S. COHN,  
District Director.

[F. R. Doc. 45-14494; Filed, Aug. 6, 1945;  
3:19 p. m.]

[Spokane Order 108B Under MPR 426]

#### CANTALOUPE IN WALLACE, IDAHO

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration, *It is hereby ordered:*

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said Method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said Method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

TABLE X

- (a) Commodity: Cantaloupe.  
(b) Basing point: Mendota, Calif.  
(c) Wholesale receiving point: Wallace, Idaho.  
(d) Method of transportation: Carlot, Spokane, I. c. l. Wallace.  
(e) Freight rate by Method (d) from basing point to wholesale receiving point: \$1.45 cwt.

	Per unit of sale	
	Standard crate of 68 lbs.	Per lb.
(f) Freight charge by Method (d)...	\$0.98	-----
(g) Basing point cost.....	2.30	-----
(h) Protective services.....	.34	-----
(i) Maximum price in wholesale receiving point (sum of "f", "g" and "h").....	3.62	\$0.053

This order shall become effective July 26, 1945, and may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of July 1945.

DAVE S. COHN,  
District Director.

[F. R. Doc. 45-14495; Filed, Aug. 6, 1945;  
3:19 p. m.]

[Spokane Order 109B Under MPR 426]

#### CANTALOUPE IN KENNEWICK, WASH.

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration, *It is hereby ordered:*

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said Method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said Method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

TABLE X

- (a) Commodity: Cantaloupe.  
(b) Basing point: Mendota, Calif.  
(c) Wholesale receiving point: Kennewick, Wash.  
(d) Method of transportation: Carlot Walla Walla, I. c. l. to Kennewick.  
(e) Freight rate by Method (d) from basing point to wholesale receiving point: \$1.25 cwt.

	Per unit of sale	
	Standard crate of 68 lbs.	Per lb.
(f) Freight charge by Method (d)...	\$0.85	-----
(g) Basing point cost.....	2.30	-----
(h) Protective services.....	.34	-----
(i) Maximum price in wholesale receiving point (sum of "f", "g" and "h").....	3.49	\$0.05

This order shall become effective July 26, 1945, and may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of July 1945.

DAVE S. COHN,  
District Attorney.

[F. R. Doc. 45-14496; Filed, Aug. 6, 1945;  
3:18 p. m.]

[Spokane Order 110B Under MPR 426]

#### CANTALOUPE IN WALLA WALLA, WASH.

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration, *It is hereby ordered:*

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said Method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said Method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

TABLE X

- (a) Commodity: Cantaloupe.  
(b) Basing point: Mendota, Calif.  
(c) Wholesale receiving point: Walla Walla, Wash.  
(d) Method of transportation: Carlot.  
(e) Freight rate by Method (d) from basing point to wholesale receiving point: \$0.93 cwt.

	Per unit of sale	
	Standard crate of 68 lbs.	Per lb.
(f) Freight charge by Method (d)...	\$0.63	-----
(g) Basing point cost.....	2.30	-----
(h) Protective services.....	.34	-----
(i) Maximum price in wholesale receiving point (sum of "f", "g" and "h").....	8.27	\$0.0477



This order shall become effective July 26, 1945, and may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 26th day of July 1945.

DAVE S. COHN,  
District Director.

[F. R. Doc. 45-14497; Filed, Aug. 6, 1945;  
3:18 p. m.]

[Spokane Order 111B Under MPR 426]

#### CANTALOUPE IN LEWISTON, IDAHO

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration, *It is hereby ordered:*

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said Method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said Method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

TABLE X

- (a) Commodity: Cantaloupe.  
(b) Basing point: Mendota, Calif.  
(c) Wholesale receiving point: Lewiston, Idaho.  
(d) Method of transportation: Carlot to Spokane, I. c. l. to Lewiston.  
(e) Freight rate by Method (d) from basing point to wholesale receiving point: \$1.47 cwt.

	Per unit of sale	
	Standard crate of 68 lbs.	Per lb.
(f) Freight charge by Method (d).....	\$1.00	-----
(g) Basing point cost.....	2.30	-----
(h) Protective services.....	.34	-----
(i) Maximum price in wholesale receiving point (sum of "f," "g" and "h").....	3.64	\$0.053

This order shall become effective July 26, 1945, and may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 26th day of July 1945.

DAVE S. COHN,  
District Director.

[F. R. Doc. 45-14498; Filed, Aug. 6, 1945;  
3:18 p. m.]

[Region I Order G-4 Under Supp. Order 94]

#### USED STEEL AMMUNITION BOXES IN BOSTON REGION

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by the Emergency Price Control Act, as amended, Executive Order Nos. 9250 and 9328, and sections 11 and 13 of Supplementary Order No. 94, as amended, it is ordered:

(a) *What this order does.* This order establishes maximum prices for sales by the U. S. Navy, other U. S. Government Agencies, and at wholesale and retail of used steel ammunition boxes hereinafter described.

(b) *Maximum prices.* The maximum prices for ammunition boxes described herein having a serviceability not less than that of new ammunition boxes shall be:

Article and description	Maximum prices for sales to wholesalers f. o. b. shipping point	Maximum prices for sales to retailers f. o. b. shipping point	Maximum prices for sales to consumers by any person
Used steel ammunition boxes, 18 gauge steel painted gray, outside measurements 8½" by 18" by 12½", 2 metal handles on ends, removable cover with 4 metal clasps, weight approximately 13½ lbs.	Each \$0.50	Each \$0.65	Each \$1.00

(1) For the purposes of this order, ammunition boxes have a serviceability less than that of new ammunition boxes when they are rusted or dented, cannot be closed, require painting or other reconditioning, or possess other similar defects.

(c) *Discounts and allowances.* Every seller shall continue to maintain his customary allowances and discounts.

(d) *Notification.* Any person who sells the ammunition boxes described in paragraph (b) to a retailer shall notify the retailer of the retailer's maximum reselling price under paragraph (b). This notice may be given in any convenient form.

(e) *Tagging.* Each retailer shall before sale attach a tag or label or display a suitable sign at the place where the used ammunition boxes are offered for sale which plainly states the maximum price at retail as follows: "OPA Ceiling Price, \$1.00."

(f) *Geographical applicability.* This order shall apply to all sales where the commodities are located in the following

states at the time of sale: Maine, New Hampshire, Vermont, Connecticut, Rhode Island and Massachusetts.

(g) *Definitions.* (1) "Sales to retailers" means sales to persons who resell to consumers.

(2) "Sales to consumers" means sales to purchasers for use.

(h) *Revocations and amendments.* This order may be revoked, amended or modified at any time by the Office of Price Administration.

This order shall become effective immediately.

Issued this 23d day of July 1945.

ELDON C. SHOUP,  
Regional Administrator.

[F. R. Doc. 45-14557; Filed, Aug. 7, 1945;  
12:19 p. m.]

[Region II Order 1 Under 18 (c)]

#### FIREWOOD IN NEW YORK REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region II by the Emergency Price Control Act of 1942 as amended, by § 1499.18 (c) of the General Maximum Price Regulation, as amended, and by Revised Procedural Regulation No. 1, it is hereby ordered:

(a) *What this order does.* This basic order puts into one document the provisions which will be common to all future orders establishing flat (dollars-and-cents) maximum prices for firewood to be issued by the New York Regional Office, Region II, pursuant to the authority contained in § 1499.18 (c) of the General Maximum Price Regulation. The orders to be issued under this basic order are referred to herein as "adopting orders" and when issued will expressly adopt the provisions of this basic order. Various area orders have been heretofore issued under § 1499.18 (c) of the General Maximum Price Regulation fixing maximum prices for firewood in various areas covered thereby. Some of these orders fix maximum prices only for hardwood cord wood and others fix maximum prices for all types of firewood, including slab wood. These prior orders remain in full force and effect in the areas covered thereby until adopting orders are issued under this order. When such adopting orders are issued they will supersede all previous orders as to the specific areas covered by such adopting orders.

(b) *What this order prohibits.* Regardless of any contract, agreement, or other obligation, no person shall:

(1) Sell or, in the course of trade or business, buy firewood at prices higher than the maximum prices set by an applicable adopting order, but less than maximum prices may, at any time, be charged, paid, or offered; or

(2) Obtain a higher than maximum price by:

(i) Charging for a service which is not expressly requested by the buyer or which is not specifically authorized by the applicable adopting order;

(ii) Using any tying agreement by making any requirement that anything



other than the firewood requested by the buyer be purchased by him; or

(iii) Using any other device by which a higher than maximum price is obtained, directly or indirectly.

(c) *Power to amend or revoke.* This order, or any provision thereof, may be revoked, amended, or corrected at any time by the Administrator, or by the Regional Administrator of Region II.

(d) *Petitions for amendment.* Any person seeking an amendment of this order or of any adopting order issued hereunder or pursuant hereto, may file a petition for amendment with the Administrator in accordance with the provisions of Revised Procedural Regulation No. 1, or in the alternative, may file such petition with the Regional Administrator, Region II, Office of Price Administration, 350 Fifth Ave., New York 1, N. Y. If such petition is filed with the Regional Administrator, action thereon shall be taken by him. When such a petition is filed with the Regional Administrator, all requirements of Revised Procedural Regulation No. 1 relative to the filing of such petitions are applicable, except the place of filing specified therein.

(e) *Applicability of other regulations.*—(1) *Licensing and registration.* The provisions of Licensing Order No. 1, licensing all persons, with certain exceptions, who make sales under price control, are applicable, with the exceptions contained therein, to all sellers subject to this order. A seller's license may be suspended for violations of the license or of one or more applicable price schedules, regulations or orders. A seller whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(2) *Effect of this order on the General Maximum Price Regulation, and on previous general orders.* The provisions of this order and of adopting orders supersede the provisions of the General Maximum Price Regulation where such provisions are inconsistent with the provisions contained in this order. The provisions of this order supplement the provisions of the general orders heretofore issued and as previously stated only supersede such orders when adopting orders are issued and then only as to the areas covered by such adopting orders. All provisions of the General Maximum Price Regulation not modified by this order or by previous general orders remain in full force and effect, including but not limited to record keeping, posting and filing provisions.

(f) *Availability of copies of this order.* Every dealer subject to an applicable adopting order shall keep a copy of this order, of all applicable adopting orders, and of all amendments thereto available for examination by any person inquiring as to his prices for firewood.

(g) *Enforcement.* (1) Persons violating any provisions of this order or of any applicable adopting order are subject to the civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order or of any

applicable adopting order are urged to communicate with the District Office of the Office of Price Administration having jurisdiction of the area in which the dealer's place of business is located.

(h) *Definitions and explanations.* When used in this order or in any adopting order issued pursuant hereto, the term:

(1) "Person" includes an individual, corporation, partnership, association or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States, any other government, or any agency or subdivision of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale," "selling," "sold," "seller," "buy," "buyer," "purchaser," and "purchase" shall be construed accordingly.

(3) "Firewood" means all hard wood, soft wood and mixed hard and soft wood, other than kindling, prepared and intended for consumption as fuel. It includes slab wood, both soft and hard. It may be of any length and size and may be sawed, chopped or split.

(4) A "cord" means a unit of measure consisting of 128 cubic feet of well stacked firewood. Sales by load (or any other terminology) shall be priced proportionately in the ratio of their volume to the volume of a cord. When adopting orders are issued under this basic order, maximum prices in dollars-and-cents will be prescribed as far as possible for all units of measurement customarily sold in the area covered.

(5) "Delivered to consumer's premises" means that the firewood is deposited by the seller on or at premises designated by the consumer.

(6) "Yard sales to consumers" means that the firewood is delivered by the seller to the consumer at the dealer's yard.

(7) "Cord wood" means any firewood so prepared that at least 80% consists of cleft wood or merchantable body wood in the round of desirable species.

(8) "Hard wood cord wood" means any cord wood cut from deciduous trees.

(9) "Soft wood cord wood" means any cord wood other than hard wood cord wood.

(10) "Slab wood" means all waste firewood resulting from the sawing of logs, except sawdust and bark not adhering to the wood.

(11) "Hard wood slab wood" means any slab wood cut from deciduous trees.

(12) "Soft wood slab wood" means any slab wood other than hard wood slab wood.

(13) "Stacking" means the orderly placing, arranging, setting or piling of individual pieces of firewood on or at the premises designated by, and in the place therein prescribed by the purchaser.

(14) "Splitting" means dividing or cutting firewood lengthwise with the grain to reduce it to sizes suitable for stove use.

This order shall become effective July 23, 1945.

Issued this 23d day of July 1945.

CHARLES T. ABERNETHY,  
Acting Regional Administrator.

[F. R. Doc. 45-14558; Filed, Aug. 7, 1945; 12:26 p. m.]

[Region II Rev. Order G-1 Under MPR 426]

#### FRESH FRUITS AND VEGETABLES IN NEW YORK CITY

For the reasons stated in an accompanying opinion, this order is issued.

SECTION 1. *What this order does.* This order establishes maximum markups for certain New York City "purveyors" which may be taken only as to the fresh fruits and vegetables enumerated in section 5 (b) hereof and only if sections 4 (a) and 5 (a) hereof are satisfied.

SEC. 2. *Where this order applies.* This order applies in the counties of Bronx, Kings, New York, Queens and Richmond in the State of New York.

SEC. 3. *Definition of "purveyor."* A "purveyor" is one who meets all of the following requirements:

(a) Purchases the kind of fresh fruits and vegetables being priced.

(b) Maintains facilities for washing, trimming, sorting, grading, repacking, plant commercial-refrigeration and warehousing and employs these facilities in connection with his sale of the fresh fruits and vegetables covered by this order and being priced.

(c) Employs salesmen to call on institutional and commercial users.

(d) Makes less-than-carlot or less-than-trucklot or less-than-original-container sales to institutional or commercial users such as restaurants, ships, hotels, hospitals, camps and the War Shipping Administration.

(e) Delivers within the metropolitan area surrounding and including the City of New York.

(f) Maintains at all times an inventory consisting generally of all fresh fruits and vegetables available.

(g) Extends credit to not less than 75% of all of his customers.

(h) Was doing business in the manner described, and maintained the facilities enumerated, in this section during the calendar year of 1942 and continuously thereafter, unless this requirement is waived specifically by the Office of Price Administration.

SEC. 4. *What sales by purveyors are covered by this order.* (a) The markups established by this order may be taken only by a person named in section 5 (a) hereof and only when all the following conditions are satisfied:

(1) the purchaser is a commercial or institutional user,

(2) the item being sold has been handled and is sold in the manner described in section 3 hereof and

(3) the sale is of a broken container or containers. (In no event may a markup allowed by this order be charged for a sale in an unbroken container.)

(b) In all other cases the seller may not exceed the applicable maximum prices prescribed by Maximum Price Regulation No. 426.



SEC. 5. The "purveyors" to whom this order applies. (a) This order applies only to the following persons:

1. Atlantic Produce Supply Co., 293 Washington St., New York, N. Y.
2. A. Bohrer, Inc., 52 Gansevoort St., New York, N. Y.
3. Edward Boker, Inc., 229 West St., New York 13, N. Y.
4. B. Eisner, 213 Washington St., New York, N. Y.
5. Excellent Fruit & Produce Distr., Inc., 343 West 13th St., New York, N. Y.
6. Fina Fruit & Produce Corp., 183-186 So. Portland Ave., Brooklyn, N. Y.
7. Gansevoort Produce Co., Inc., 100-108 Horatio St., New York, N. Y.
8. M. H. Greenbaum, Inc., 165 Chambers St., New York, N. Y.
9. Howard Produce Co., Inc., 50 Gansevoort St., New York, N. Y.
10. Samuel E. Hunter Corp., 101 Murray St., New York, N. Y.
11. John Adams Henry, Inc., 56-58 Harrison St., New York, N. Y.
12. Henry Kelly & Sons, Inc., 413-419 West 14th St., New York, N. Y.
13. Anthony Krayer, Inc., 123 Warren St., New York, N. Y.
14. C. Lichenstine & Sons, 47-49 Jay Street, New York, N. Y.
15. Manhattan Fruit Contracting Co., 474 Greenwich St., New York, N. Y.
16. Mergentime, Inc., 396 Greenwich St., New York, N. Y.
17. C. Poppe, Inc., 147-30 94th Ave., Jamaica, N. Y.
18. Pratt-Smith Produce Corp., 351-353 West 14th St., New York, N. Y.
19. Edward Reische, 46 Jay St., New York, N. Y.
20. Thorman, Baum & Co., Inc., 56-58 Gansevoort St., New York, N. Y.
21. George Ungar & Co., Inc., 339-341 W. 13th St., New York, N. Y.
22. Waterman & Co., 47 Harrison St., New York, N. Y.

(b) Any person who meets the requirements of section 3 hereof may apply in writing to the Office of Price Administration, 350 Fifth Avenue, New York 1, New York, for recognition as a "purveyor" and permission to take the markups established herein. Such an application must state the manner in which the applicant does business and the extent to which he satisfies the requirements of section 3 hereof. If any applicant is to be recognized as a "purveyor" and granted permission to take the markups allowed by this order, that recognition and permission will be granted by an amendment hereto. Unless and until such recognition and permission are granted, the markups allowed herein may not be taken.

SEC. 6. Maximum markups for sales by "purveyors" to commercial and institutional users—(a) General. The maximum markups for sales delivered to the premises of any institutional or commercial user, which "purveyors" may add to the "maximum prices for sales delivered to any wholesale receiving point in any quantity" established in accordance with the Columns 6 of the various tables contained in section 15 of Maximum Price Regulation No. 426 shall be those provided in subdivision (b) immediately following.

(b) Table of maximum markups for sales by purveyors to commercial and institutional users.

Commodity	Standard container and minimum contents	For full-repacked standard containers	Per pound	
			More than one-half container	One-half container or less
(1) Apples.....	Standard box or bushel, closed and faced & filled-packed slightly slack or tighter with graded apples. All others including standard bushels & boxes not meeting pack requirements for standard containers.	\$1.05		
(2) Apricots.....	Northwest lug, 13-15 lbs. Brentwood lug, 24-26 lbs.	.64 1.13	.045 .045	.045 .045
(3) Berries, including blackberries, dewberries, red & black raspberries & strawberries.	Lb. Pint Quart. 24-pint crate 24-quart crate	.05 .075 1.20 1.80	.05 .05	.05 .05
(4) Carrots: Bunched, each weighing 1 lb. or more. Bunched, bunches weighing less than 1 lb. Clipped, tops 1 1/4-4" Topped, tops less than 1 1/4" Loose, full tops, not bunched.	Any..... Any..... Any..... Any.....	1.35 1.25 1.25 1.25	1.225 1.225 1.225 1.225	1.275 1.275 1.275 1.275
(5) Cherries, sweet.	Campbell lug, 14 1/4-15 1/4 lbs. Campbell lug, 16-18 lbs. Calex lug, 19-21 lbs. Fruit box, 19 1/4-20 1/4 lbs. Lug box, 22-25 lbs.	1.29 1.42 1.62 1.62 1.89	.084 .084 .084 .084 .084	.084 .084 .084 .084 .084
(6) Cranberries.....	1/4-barrel box solidly packed with sound cranberries not exceeding 20% slack.	1.66	.067	.067
(7) Cucumbers— All, except hothouse.	Bushel, 48 lbs. Any.....	1.13 1.13	.024 .038	.032 .038
(8) Eggplant.....	1 1/4 bushel, 45 lbs. Bushel, 30 lbs.	1.35 1.11	.03 .03	.034 .034
(9) Grapefruit, Pink— Calif. & Ariz. All others.	1 1/2 bushel 1 1/2 bushel	.98 .98	.013 .012	.013 .014
(10) Grapefruit, White— Calif. & Ariz. Florida "Indian River" All others.	1 1/2 bushel 1 1/2 bushel 1 1/2 bushel	.98 .98 .98	.015 .015 .012	.018 .018 .014
(11) Grapes, Table— Arizona, Riverside or Imperial County in Calif. or the Borego Valley Area of San Diego County in Calif. All other Calif.	Lug box, 24 lbs. Lug box, 28 lbs. Bushel, 28 lbs.	1.20 .84 1.13	.049 .03 .041	.049 .03 .045
(12) Green Peas.....	1 1/2 bushel	1.35	.017	.02
(13) Lemons.....	L. A. or Salinas Crate with 48 or more heads weighing 60 lbs.	1.35		
(14) Lettuce— Iceberg All other.	Any.....		.023	.028
(15) Melons: Cantaloup & Honeyball melons.	Jumbo Crate, 83 lbs. Standard Crate, 68 lbs. Pony Crate, 57 lbs.	1.43 1.28 1.05	.018 .018 .018	.018 .018 .018
Casaba melons.	Jumbo or standard crate, 42 lbs.	.75	.018	.018
Cranshaw melons.	Jumbo or standard crate, 40 lbs.	.90	.023	.023
Honeydew melons.	Jumbo cantaloup crate, 58 lbs. Jumbo or standard crate, 39 lbs.	1.43 .90	.023 .023	.023 .023
Persian melons.	Jumbo crate, 42 lbs. Standard crate, 37 lbs. Pony crate, 35 lbs.	1.05 .90 .83	.023 .023 .023	.023 .023 .023
All others except watermelons.	Any.....		.023	.023
(16) Oranges: Calif. & Ariz. Florida "Indian River" All others.	1 1/2 bushel 1 1/2 bushel 1 1/2 bushel	1.13 1.13 1.13	.015 .012 .012	.018 .015 .014
(17) Peaches: Calif. All others.	Sanger lug, 24-26 lbs. Bushel, closed & packed fairly tight. Half-bushel, closed & packed fairly tight.	.87 1.62 .81	.036 .036 .036	.036 .036 .036
(18) Pears: Calif., Josephine & Jackson Counties, Oregon. All others.	Standard pear box, 46-50 lbs. Standard pear box, 44-48 lbs.	1.60 1.53	.033 .033	.033 .033
(20) Snap Beans (Green or Wax).	Bushel, 28 lbs.	1.13	.041	.045
(21) Spinach.....	Bushel, 18 lbs.	.65	.036	.036
(22) Sweet Peppers.	1 1/4 bushel, 37 lbs. Bushel, 25 lbs.	1.35 1.13	.032 .032	.042 .042
(23) Sweet Potatoes.	Bushel, 50 lbs. green or 45 lbs. cured.	.82	.015	.017
(24) Tangerines, except Calif. and Ariz.	1 1/2 bushel.	1.35	.015	.016

<sup>1</sup> per dozen bunches.

SEC. 7. Effective date. This revised order shall become effective July 9, 1945.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; MPR 426, 8 F.R. 16409)

Issued: July 7, 1945.

Approved: July 10, 1945.

FRANCIS D. CRONIN,  
Regional Director, Office of Supply  
Commodity Credit Corporation.

CHARLES T. ABERNETHY,  
Acting Regional Administrator.

[F. R. Doc. 45-14562; Filed, Aug. 7, 1945; 12:26 p. m.]



[Region II Order G-3 Under 3 (e)]

SAM KOFSKY

## ESTABLISHMENT OF MAXIMUM PRICES

For the reason set forth in the opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by the Emergency Price Control Act of 1942, as amended, and by § 1499.3 (e) (2) of the General Maximum Price Regulation, *It is ordered:*

(a) On and after the effective date of this order the maximum prices for sales of the Cobra Lawn Sprinkler, manufactured by Sam Kofsky, New York City, by distributors to wholesalers, by wholesalers to retailers, and sales at retail, by sellers other than the manufacturer, located in Region II, shall be the prices set forth below. A lower price than those listed may be charged.

## SALES BY DISTRIBUTOR TO WHOLESALER

## Description and Maximum Selling Price

Cobra lawn sprinkler, 3 arm, size 14", made of iron tubing: \$21.00 a dozen.

The above price is F. O. B. point of shipment, 2/10, n/30.

## SALES BY WHOLESALER TO RETAILER (SALES AT WHOLESALE)

## Description and Maximum Selling Price

Cobra lawn sprinkler, 3 arm, size 14", made of iron tubing: \$28.00 a dozen.

The above price is F. O. B. point of shipment, 2/10, n/30.

## SALES AT RETAIL

## Description and Maximum Selling Price

Cobra lawn sprinkler, 3 arm, size 14", made of iron tubing: \$3.75 each.

(b) *Notification of maximum prices.* Any person other than the manufacturer who sells the above described item to a retailer shall furnish the retailer with an invoice setting forth the retailer's maximum selling price, and state that the retailer is required by this order to attach a tag or label plainly stating the retail ceiling price.

(c) *Tagging.* Any person who sells the above described item at retail shall attach to the said item, before sale, a tag or label which plainly states the retail ceiling price.

(d) *Definitions.* (1) "Sales by a distributor to a wholesaler" are sales by a seller appointed by the manufacturer as the "exclusive distributor" of the above described article to wholesalers for resale.

(2) "Sale at wholesale" means a sale by a person who buys the above described item and sells it to retailers for resale. Sales to an industrial, commercial, or institutional user by such reseller shall also be considered a "sale at wholesale."

(3) "Sale at retail" means a sale by a person who buys the item and resells it to an ultimate consumer other than industrial or commercial user of the above described item.

(4) "Region II" comprises the territory lying within the geographical boundaries of the following states: New York, New Jersey, Maryland, Pennsylvania, Delaware, and also the District of Columbia.

(e) Except as otherwise provided herein all transactions subject to this

order remain subject to all the provisions of the General Maximum Price Regulation, together with all the amendments which have heretofore or which may hereafter be issued.

(f) This order may be revoked, amended or corrected at any time.

(g) This order shall become effective immediately.

Issued this 23d day of July 1945.

CHARLES T. ABERNETHY,  
Acting Regional Administrator.

[F. R. Doc. 45-14559; Filed, Aug. 7, 1945;  
12:27 p. m.]

[Region II Order G-52 Under RMPR 122, Amdt. 3]

## PENNSYLVANIA ANTHRACITE IN NEW YORK

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, Order No. G-52 is amended in the following respect:

1. Paragraph (n) is amended by adding a new subparagraph (3) immediately after subparagraph (2) to read as follows:

(3) Additions for sales and deliveries within Zone 11 of anthracite produced by Jeddo Highland Coal Company and prepared at its Jeddo #7 and Highland #5 Breakers and sold under the trade name of "Jeddo Coal," "Highland Coal," or "Hazle Brook Coal." You may add to the "direct-delivery" and "yard" sales prices specified in subparagraphs (1) and (2) above, 50¢ per net ton, 25¢ per net ½ ton, and 15¢ per net ¼ ton for sales and deliveries of such anthracite in Zone 11, *Provided*, That you keep such coal separate in storage and delivery and sell it under the name of "Jeddo Coal," "Highland Coal," or "Hazle Brook Coal." *And further provided*, That you do not price such coal under Order No. G-53, under Revised Maximum Price Regulation No. 122.

This amendment No. 3 to Order No. G-52 shall become effective as of July 24, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 79th Cong. E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 23d day of July 1945.

CHARLES T. ABERNETHY,  
Acting Regional Administrator.

[F. R. Doc. 45-14560; Filed, Aug. 7, 1945;  
12:26 p. m.]

[Region IV 2d Rev. Orders G-3, G-10, Rev. Orders G-2, G-4 to G-9, G-11 to G-16, G-18, G-23, Orders G-20 to G-22, G-24 to G-27, G-29 to G-33, G-35 to G-37, Revocation of Supp. Order 1; Order G-17, Revocation of Supp. Order 4, Under RMPR 122]

## SOLID FUELS IN ATLANTA REGION

For the reasons set forth in an opinion issued simultaneously herewith and un-

der the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1340.260 of Revised Maximum Price Regulation No. 122, *It is hereby ordered:*

(a) The above captioned supplementary orders are hereby revoked as of the effective date of this order.

This revocation shall become effective immediately.

Issued: June 16, 1945.

ALEXANDER HARRIS,  
Regional Administrator.

[F. R. Doc. 45-14564; Filed, Aug. 7, 1945;  
12:22 p. m.]

[Region IV 2d Rev. Order G-3 Under RMPR 122, Amdt. 2]

## SOLID FUELS IN FULTON AND DEKALB COUNTIES, GA.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1340.260 of Revised Maximum Price Regulation No. 122, Second Revised Order No. G-3 under Revised Maximum Price Regulation No. 122 issued by this office on April 26, 1945, is hereby amended in the following respects:

1. Subparagraph (e) (2) is amended to read as follows:

(2) *High volatile bituminous coal from district No. 13.*

Size	Per ton, 2,000 lbs.	Per ½ ton, 1,000 lbs.	Per ¼ ton, 500 lbs.
Lump, chunk, or block	\$9.85	\$5.17	\$2.84
Egg	9.60	5.05	2.78
Stoker	9.90	5.20	2.85
Nut and slack	7.35	3.93	2.21
Montevallo 8" block	11.30	6.90	3.20

2. Subparagraph (f) (1) is amended to read as follows:

(1) *High volatile bituminous coal from district No. 8.*

Size:	Per ton, 2000 lbs.
Egg	\$7.95
Nut and slack	6.75
Nut and slack from mine index No. 5693	7.10

3. Subparagraph (g) (1) is amended to read as follows:

(1) *High volatile bituminous coal from district No. 8.*

Size:	Per ton, 2000 lbs.
Egg	\$7.30
Nut and slack	6.60
Nut and slack from mine index No. 5693	6.95

*Effective date.* This amendment shall become effective as of June 11, 1945.

Issued: July 18, 1945.

ALEXANDER HARRIS,  
Regional Administrator.

[F. R. Doc. 45-14565; Filed, Aug. 7, 1945;  
12:20 p. m.]



[Region VI Order G-16 Under RMPR 122, Amdt. 45]

**SOLID FUELS IN KENOSHA, WIS., AREA**

An opinion accompanying this amendment has been issued simultaneously herewith. Order No. G-16 under Revised Maximum Price Regulation No. 122 is amended in the following respects:

Appendix No. 19, which covers the Kenosha, Wisconsin, area is amended as follows:

1. Paragraph (b), VII, in the Price Schedule is amended to read as follows:

	<i>Delivered,</i>
VII. Briquettes low volatile:	<i>per ton</i>
1. United.....	\$13.15
2. Local Briquettes manufactured by Dunnebacke & Company--	12.92

2. Section (d), Discounts, is amended by adding a subparagraph #6 following subparagraph #5 to read as follows:

	<i>Per ton</i>
6. On briquettes picked up at the dock of Dunnebacke & Company by dealers whose principal places of business are located in the area covered by this appendix No. 19.....	\$3.00

This Amendment No. 45 to Order No. G-16 shall become effective July 28, 1945.

Issued this 26th day of July 1945.

RAE E. WALTERS,  
Regional Administrator.

[F. R. Doc. 45-14567; Filed, Aug. 7, 1945; 12:18 p. m.]

[Region VI Order G-16 Under RMPR 122, Amdt. 46]

**SOLID FUELS, DULUTH, MINN., AREA**

An opinion accompanying this amendment has been issued simultaneously herewith. Order No. G-16 under Revised Maximum Price Regulation No. 122 is amended in the following respects:

In Appendix No. 3 which covers the Duluth, Minnesota, area, paragraph (b) in the Price Schedule is amended by adding the following sub-paragraphs to follow sub-paragraph III, E:

	Delivered		At yard		Dealer at yard	
	Domestic	Commercial	Domestic	Commercial	Domestic	Commercial
IV. Pennsylvania anthracite:						
1. Egg, stove, nut.....	\$16.90		\$16.90		\$14.10	
2. Pea.....	15.20		14.30		12.40	
3. Buckwheat.....	13.20		12.30		10.40	
V. Briquettes:						
1. Berwind.....	13.45		12.55		10.45	
2. Stott.....	13.36		12.46		10.36	
VI. Coke—By-product:						
1. Egg, stove, nut.....	13.45		12.55		10.45	
2. Pea.....	12.45		11.55		9.45	

This Amendment No. 46 to Order No. G-16 shall become effective July 28, 1945.

Issued this 27th day of July 1945.

RAE E. WALTERS,  
Regional Administrator.

[F. R. Doc. 45-14568; Filed, Aug. 7, 1945; 12:22 p. m.]

[Region VII Order G-1 Under 2d Rev. MPR 269]

**POULTRY ITEMS IN WYOMING**

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and section 2.1 of Second Revised Maximum Price Regulation No. 269, as amended, and for the reasons set forth in the accompanying opinion, this Order No. G-1 is issued.

(a) *What this order does.* This Order No. G-1 adjusts maximum prices for live and processed poultry items sold f. o. b. in the State of Utah or in that part of the State of Idaho lying south of the southern boundary of Idaho County to consumers, including purveyors of meals, or to purchasers who resell to consumers, including purveyors of meals, in certain counties in the State of Wyoming.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G-1, sellers in the State of Utah and in that part of the State of Idaho lying south of the southern boundary of Idaho County may sell "poultry" and "processed poultry" items, as defined by subparagraphs (5) and (6) of section 3.5 (a) of Second Revised Maximum Price Regulation No. 269, f. o. b. the seller's place of business, at his respective zone price to consumers, including purveyors of meals, and to purchasers who resell to consumers, including purveyors of meals, in the Counties of Carbon, Lincoln, Sublette, Sweetwater, Teton, and Uinta, in the State of Wyoming.

(c) *Applicability of other regulations.* Except insofar as sellers of "poultry" and "processed poultry" in the State of Utah and that part of the State of Idaho hereinabove referred to are permitted to sell on an f. o. b. basis at their respective zone prices for consumption in the specified counties in the State of Wyoming, all such sellers remain subject to all of the applicable provisions of Second Revised Maximum Price Regulation No. 269, as amended, and must comply therewith.

(d) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(e) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

*Effective date.* This Order No. G-1 shall become effective on the 23rd day of July, 1945.

Issued this 23rd day of July, 1945.

RICHARD Y. BATTERTON,  
Regional Administrator.

[F. R. Doc. 45-14576; Filed, Aug. 7, 1945; 12:21 p. m.]

[Region VII Order G-4 Under RMPR 333]

**LIGHT DIRTY EGGS IN COLORADO**

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and section 3.3 (e) of Revised Maximum Price Regulation No. 333, and for the reasons set forth in the accompanying opinion, this Order No. G-4 is issued.

(a) *What this order does.* This order permits the sale and delivery of "light dirty eggs," as hereinafter defined, in the area and upon the conditions hereinafter set forth.

(b) *Definition.* "Light dirty eggs" means that the individual egg has not more than one-eighth ( $\frac{1}{8}$ ) of the shell surface slightly stained, slightly soiled, or slightly dirty, but without loose adhering dirt.

(c) *Maximum prices.* On and after the effective date of this Order No. G-4, the maximum prices for "light dirty eggs" sold at any place within the State of Colorado, pursuant to the permission hereby granted, shall be one cent less per dozen than the maximum price for Consumer Grade A eggs as established by Revised Maximum Price Regulation No. 333.

(d) *Geographical applicability.* This Order No. G-4 shall apply only to sales of "light dirty eggs" made within the geographical boundaries of the State of Colorado to purchasers other than a United States Government agency.

(e) *Quality of eggs.* "Light dirty eggs" may be sold within the State of Colorado under the provisions of this order only in sealed cartons or other sealed containers bearing upon the seal the certificate of the U. S. Department of Agriculture, certifying that the eggs are of an inferior quality of Consumer Grade A or better; and on and after the effective date of this Order No. G-4, such "light dirty eggs" shall become and be deemed to be a consumer grade of eggs within the State of Colorado.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

*Effective date.* This Order No. G-4 shall become effective on the 17th day of July, 1945.

Issued this 17th day of July, 1945.

RICHARD Y. BATTERTON,  
Regional Administrator.

[F. R. Doc. 45-14577; Filed, Aug. 7, 1945; 12:19 p. m.]



[Region VII Order G-37 Under MPR 188]

W. O. WALKER, ET AL.

## AUTHORIZATION OF MAXIMUM PRICES

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1499.158 and 1499.158a of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Order No. G-37 is issued.

(a) *What this order does.* This Order No. G-37 establishes maximum prices for a toy item called "Indian Pony (Pull Toy)", manufactured by W. O. Walker of 2611 Josephine Street, Denver, Colorado, when sold at the specified levels.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G-37, the maximum prices for the toy item designated "Indian Pony (Pull Toy), Model A", manufactured by W. O. Walker of Denver, Colorado, in accordance with the specifications set forth in the application of said manufacturer now on file in this Regional Office as a part of the record in this case, shall be as follows:

- (1) When sold by the manufacturer, f. o. b. shipping point, to a jobber or a wholesaler: \$4.60 per dozen;
- (2) When sold by the manufacturer, a jobber or a wholesaler, f. o. b. shipping point, to a retailer: \$5.75 per dozen;
- (3) When sold by any seller to an ultimate consumer or user: 79¢ each.

NOTE: (i) The maximum prices authorized by the above paragraphs (1) and (2) are subject to a discount of 2% for payment within 10 days from date of invoice.

(ii) The prices above specified for sales f. o. b. shipping point include all costs incident to wrapping, packing, boxing, and carting.

(c) *Notice to be given purchasers for resale.* When the manufacturer or any other seller makes a first sale under this Order No. G-37 to a person who purchases for resale, he must show upon the invoice or on a separate slip or rider attached thereto the applicable portions of the following provisions:

By virtue of Order No. G-37 under Maximum Price Regulation No. 188, issued by the Denver Regional Office, the OPA authorized maximum resale prices for this Indian Pony (Pull Toy), Model A, are:

- (1) When sold by the manufacturer, a jobber or a wholesaler, f. o. b. shipping point, to a retailer: \$5.75 per dozen;
- (2) When sold by any seller to an ultimate consumer or user: 79¢ each.

(d) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation have no application to the prices established by this Order No. G-37 for sales by the manufacturer or any other seller.

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G-37 for resellers are applicable only to sales made within this Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

*Effective date.* This Order No. G-37 shall become effective on the 17th day of July 1945.

Issued this 17th day of July 1945.

RICHARD Y. BATTERTON,  
Regional Administrator.

[F. R. Doc. 45-14571; Filed, Aug. 7, 1945;  
12:25 p. m.]

[Region VII Order G-38 Under MPR 188]

MARMAX DENVER CO., ET AL.

## AUTHORIZATION OF MAXIMUM PRICES

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1499.158 and 1499.158a of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Order No. G-38 is issued.

(a) *What this order does.* This Order No. G-38 establishes maximum prices for two articles of furniture manufactured by Marmax Denver Company, of 935 West First Avenue, Denver, Colorado, when sold at the specified levels.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G-38, the maximum prices for the Adirondack Chair, Model No. 1-X, and Settee, Model No. 2-X, manufactured by Marmax Denver Company, a partnership, of Denver, Colorado, in accordance with the specifications set forth in the application of said manufacturer now on file in this Regional Office as a part of the record in this case, shall be as follows:

	KD	Partially SU
(1) When sold by the manufacturer, f. o. b. shipping point, to a jobber or a wholesaler:		
Adirondack chair, model No. 1-X.....	Each \$2.20	Each \$2.70
Settee, model No. 2-X.....	3.25	3.75
(2) When sold by the manufacturer, a jobber or a wholesaler, f. o. b. shipping point, to a retailer:		
Adirondack chair, model No. 1-X.....	2.95	3.60
Settee, model No. 2-X.....	4.35	5.00

## NOTE

(i) The maximum prices authorized by the above paragraphs (1) and (2) are subject to a discount of 2% for payment within 10 days from date of invoice.

(ii) The prices above specified for sales f. o. b. shipping point include all costs incident to wrapping, packing, boxing, and carting.

(iii) The term "KD" means completely disassembled or knocked down, and the term "Partially SU" means partially assembled or partially set up.

(c) *Notice to be given purchasers for resale.* When the manufacturer or any

other seller makes a first sale under this Order No. G-38 to a person who purchases for resale, he must show upon the invoice or a separate slip or rider attached thereto the applicable portions of the following provisions:

	KD	Partially SU
(1) When sold by the manufacturer, a jobber or a wholesaler, f. o. b. shipping point, to a retailer:		
Adirondack chair, model No. 1-X.....	Each \$2.95	Each \$3.60
Settee, model No. 2-X.....	4.35	5.00
(2) When sold by any seller to an ultimate consumer or user, such seller must establish his price under the applicable provisions of Maximum Price Regulation No. 580.		

(d) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation have no application to the prices established by this Order No. G-38 for sales by the manufacturer or any other seller; but sales by any seller to an ultimate consumer or user must be priced in accordance with the applicable provisions of Maximum Price Regulation No. 580.

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G-38 for resellers are applicable only to sales made within this Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

*Effective date.* This Order No. G-38 shall become effective on the 18th day of July 1945.

Issued this 18th day of July 1945.

RICHARD Y. BATTERTON,  
Regional Administrator.

[F. R. Doc. 45-14572; Filed, Aug. 7, 1945;  
12:22 p. m.]

[Region VII Order G-39 Under MPR 188]

TIMPTE BROS. ET AL.

## AUTHORIZATION OF MAXIMUM PRICES

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, §§ 1499.158 and 1499.158a of Maximum



Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Order No. G-39 is issued.

(a) *What this order does.* This Order No. G-39 establishes maximum prices for a lawn chair manufactured by Timpte Brothers of Denver, Colorado, when sold at the specified levels.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G-39, maximum prices for the lawn chair manufactured by Timpte Brothers, of East Fortieth Avenue and York Street, Denver, Colorado, in accordance with the specifications set forth in the application of said manufacturer now on file in this Regional Office as a part of the record in this case, shall be as follows:

	Each
(1) When sold by the manufacturer, f. o. b. shipping point, to a jobber who stocks or a wholesaler.....	\$4.50
(2) When sold by the manufacturer, a jobber who stocks or a wholesaler, f. o. b. shipping point, to a retailer.....	6.00
(3) When sold by any seller to an ultimate consumer or user.....	10.00

#### NOTES

(i) The maximum prices authorized by the above paragraphs (1) and (2) are subject to a discount of 2% for payment within 10 days from date of invoice.

(ii) The prices above specified for sales f. o. b. shipping point include all costs incident to wrapping, packing, boxing, and carting.

(iii) The dollars-and-cents maximum prices hereinabove set forth reflect the 5% increase authorized by Order 1052 under § 1499.159b of Maximum Price Regulation No. 188, and therefore Order 1052 is not applicable to such maximum prices.

(c) *Notice to be given purchasers for resale.* When the manufacturer or any other seller makes a first sale under this Order No. G-39 to a person who purchases for resale, he must show upon the invoice or on a separate slip or rider attached thereto the applicable portions of the following provisions:

By virtue of Order No. G-39 under Maximum Price Regulation No. 188, issued by the Denver Regional Office, the OPA authorized maximum resale prices for this Lawn Chair are:

	Each
(1) When sold by the manufacturer, a jobber who stocks or a wholesaler, f. o. b. shipping point, to a retailer.....	\$6.00
(2) When sold by any seller to an ultimate consumer or user.....	10.00

NOTE: The dollars-and-cents maximum prices hereinabove set forth reflect the 5% increase authorized by Order 1052 under § 1499.159b of Maximum Price Regulation No. 188, and therefore Order 1052 is not applicable to such maximum prices.

(d) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation have no application to the prices established by this Order No. G-39 for sales by the manufacturer or any other seller; also Order 1052 under § 1499.159b of Maximum Price Regulation No. 188 is inapplicable for the reasons stated in Note (iii) to paragraph (b) hereof.

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G-39 for resellers are appli-

cable only to sales made within this Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

*Effective date.* This Order No. G-39 shall become effective on the 18th day of July 1945.

Issued this 18th day of July 1945.

RICHARD Y. BATTERTON,  
Regional Administrator.

[F. R. Doc. 45-14573; Filed, Aug. 7, 1945; 12:22 p. m.]

#### [Region VII Order G-40 Under MPR 183]

LINFORD GLASS AND SPECIALTY CO., ET AL

#### AUTHORIZATION OF MAXIMUM PRICES

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1499.158 and 1499.158a of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Order No. G-40 is issued.

(a) *What this order does.* This Order No. G-40 establishes maximum prices for seven articles of furniture made by Linford Glass & Specialty Company, of 44 Richard Street, Salt Lake City, Utah, when sold at the specified levels.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G-40, the maximum prices for the (1) Nick-Nack, Model No. 1; (2) End Table, Model No. 2; (3) Coffee Table, Model No. 3; (4) Hanging Corner Bracket, Model No. 4; (5) Mirrored Light Holder, Model No. 5; (6) The Little Church, Model No. 6; and (7) Kidney Shaped Coffee Table, Model No. 7, manufactured by Linford Glass & Specialty Company, a partnership, of Salt Lake City, Utah, in accordance with the specifications set forth in the several applications of said manufacturer now on file in this Regional Office as a part of the record in this case, shall be as follows:

(1) When sold by the manufacturer, f. o. b. shipping point, to a retailer:

(1) Nick-Nack, Model No. 1.....	\$22.00
(2) End Table, Model No. 2.....	25.00
(3) Coffee Table, Model No. 3.....	22.00
(4) Hanging Corner Bracket, Model No. 4.....	12.75
(5) Mirrored Light Holder, Model No. 5.....	5.25
(6) The Little Church, Model No. 6.....	5.25
(7) Kidney Shaped Coffee Table, Model 7.....	22.50

(2) When sold by any seller to an ultimate consumer or user:

(1) Nick-Nack, Model No. 1.....	\$38.50
(2) End Table, Model No. 2.....	43.75
(3) Coffee Table, Model No. 3.....	38.50
(4) Hanging Corner Bracket, Model No. 4.....	22.50
(5) Mirrored Light Holder, Model No. 5.....	9.25
(6) The Little Church, Model No. 6.....	9.25
(7) Kidney Shaped Coffee Table, Model 7.....	39.50

#### NOTES

(i) The maximum prices authorized by the above paragraph (1) are subject to a discount of 2% for payment within 10 days from date of invoice.

(ii) The prices above specified for sales f. o. b. shipping point include all costs incident to wrapping, packing, boxing, and carting.

(c) *Notice to be given purchasers for resale.* When the manufacturer makes a first sale under this Order No. G-40 to a retailer, he must show upon the invoice or on a separate slip or rider attached thereto the following:

By virtue of Order No. G-40 under Maximum Price Regulation No. 188, issued by the Denver Regional Office, the OPA authorized maximum resale prices for the several commodities covered by this invoice are:

When sold by any seller to an ultimate consumer or user:

(1) Nick-Nack, Model No. 1.....	\$38.50
(2) End Table, Model No. 2.....	43.75
(3) Coffee Table, Model No. 3.....	38.50
(4) Hanging Corner Bracket, Model No. 4.....	22.50
(5) Mirrored Light Holder, Model No. 5.....	9.25
(6) The Little Church, Model No. 6.....	9.25
(7) Kidney Shaped Coffee Table, Model 7.....	39.50

(d) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation has no application to the prices established by this Order No. G-40 for sales by the manufacturer or any other seller.

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G-40 for resellers are applicable only to sales made within this Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price



schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

*Effective date.* This Order No. G-40 shall become effective on the 25th day of July 1945.

Issued this 25th day of July 1945.

RICHARD Y. BATTERTON,  
Regional Administrator.

[F. R. Doc. 45-14574; Filed, Aug. 7, 1945;  
12:26 p. m.]

[Region VII Order G-41 Under MPR 188]

JOANN CO., ET AL.

#### AUTHORIZATION OF MAXIMUM PRICES

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1499.158 and 1499.158a of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Order No. G-41 is issued.

(a) *What this order does.* This Order No. G-41 establishes maximum prices for two toy items manufactured by The JoAnn Co., of Denver, Colorado, when sold at the specified levels.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G-41, the maximum prices for the Christmas Cart, Model No. C-4, and the Toy Ironing Board, Model No. 1 B-1, manufactured by The JoAnn Co., a partnership, of 3770 East Colfax Avenue, Denver, Colorado, in accordance with the specifications set forth in the applications of said manufacturer now on file in this Regional Office as a part of the record in this case, shall be as follows:

	Christmas cart, Model No. C-4	Toy ironing board, Model No. 1 B-1
(1) When sold by the manufacturer, f. o. b. shipping point, to a jobber or a wholesaler.....	Per dozen \$2.40	Per dozen \$3.40
(2) When sold by the manufacturer, a jobber or a wholesaler, f. o. b. shipping point, to a retailer.....	3.00	4.25
(3) When sold by any seller to an ultimate consumer or user.....	Each \$0.39	Each \$0.59

#### NOTES

(i) The maximum prices authorized by the above paragraphs (1) and (2) are subject to a discount of 2% for payment within 10 days from date of invoice.

(ii) The prices above specified for sales f. o. b. shipping point include all costs incident to wrapping, packing, boxing, and carting.

(c) *Notice to be given purchasers for resale.* When the manufacturer or any other seller makes a first sale under this Order No. G-41 to a person who purchases for resale, he must show upon the invoice or on a separate slip or rider at-

tached thereto the applicable portions of the following provisions:

By virtue of Order No. G-41 under Maximum Price Regulation No. 188, issued by the Denver Regional Office, the OPA authorized maximum resale prices for this Christmas Cart, Model No. C-4, and Toy Ironing Board, Model No. 1 B-1, are:

	Christmas cart, Model No. C-4	Toy ironing board, Model No. 1 B-1
(1) When sold by the manufacturer, a jobber or a wholesaler, f. o. b. shipping point, to a retailer.....	Per dozen \$3.00	Per dozen \$4.25
(2) When sold by any seller to an ultimate consumer or user.....	Each \$0.39	Each \$0.59

(d) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation have no application to the prices established by this Order No. G-41 for sales by the manufacturer or any other seller.

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G-41 for resellers are applicable only to sales made within this Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

*Effective date.* This Order No. G-41 shall become effective on the 25th day of July 1945.

Issued this 25th day of July 1945.

RICHARD Y. BATTERTON,  
Regional Administrator.

[F. R. Doc. 45-14575; Filed, Aug. 7, 1945;  
12:25 p. m.]

[Region VII Rev. Order G-43 Under 18 (c)]

#### DOMESTIC CANE BLACKSTRAP MOLASSES AND BEET SUGAR FINAL MOLASSES IN BOULDER COUNTY, COLO.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation, and for the reasons stated in the accompanying opinion, this Revised Order No. G-43 is issued.

(a) *Order redesignated.* Order No. G-43 under § 1499.18 (c) of the General

Maximum Price Regulation, issued July 23, 1943, is hereby redesignated as set forth in the caption hereof and amended and revised to read as follows:

(b) *What this revised order does.* This Revised Order No. G-43 fixes maximum prices at which dealers in Boulder County, Colorado, may sell at retail domestic cane blackstrap molasses and beet sugar final molasses, by authorizing a flat mark-up over the laid-down cost.

(c) *Specific maximum prices for sales at retail.* From and after the effective date of this Revised Order No. G-43, the maximum prices for sales at retail of domestic cane blackstrap molasses and beet sugar final molasses by dealers in the County of Boulder, State of Colorado, shall be the actual laid-down cost to the dealer, not, however, to exceed an amount computed in accordance with section 11a of Revised Maximum Price Regulation No. 291, plus \$5.70 per ton, when sold in lots of one ton or more, and 30¢ per cwt. when sold in lots of less than one ton.

(d) *Definitions.* (1) "Sale at retail" means a sale to a stock feeder or other ultimate consumer or user.

(2) "Laid-down cost" means the delivered price to the dealer, computed in accordance with section 11a (b) (c) of Revised Maximum Price Regulation No. 291.

(3) "Cane blackstrap molasses" and "Beet sugar final molasses" mean the final by-product liquid from the cane sugar refining process, after the extraction of all commercially available sucrose, and the final by-product liquid from beet sugar manufacturing, including straight house or whole molasses and Steffens discard molasses.

(e) *Applicability of other regulations.* Except insofar as the same are contradictory or inconsistent with some one or more of the terms and provisions of this Revised Order No. G-43, the General Maximum Price Regulation remains in full force and effect, and must be observed and complied with by dealers making sales at retail under this revised order.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This Revised Order No. G-43 may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

*Effective date.* This Revised Order No. G-43 shall become effective on July 19, 1945.

Issued this 26th day of July 1945.

RICHARD Y. BATTERTON,  
Regional Administrator.

[F. R. Doc. 45-14569; Filed, Aug. 7, 1945;  
12:21 p. m.]



[Region VII Order G-60 Under 18 (c),  
Amdt. 1]

GEORGE A. PULLEN STOVE & FURNACE  
REPAIR CO., ET AL.

#### AUTHORIZATION OF MAXIMUM PRICES

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation, and for the reasons set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. The note at the end of paragraph (b) and immediately following the price schedules is hereby amended to read as follows:

NOTE: The George A. Pullen Stove & Furnace Repair Co. must continue to maintain its customary discounts, differentials and allowances.

2. This Amendment No. 1 is hereby made effective retroactively as of the 3d day of July 1945.

Issued this 19th day of July 1945.

RICHARD Y. BATTERTON,  
Regional Administrator.

[F. R. Doc. 45-14570; Filed, Aug. 7, 1945;  
12:21 p. m.]

[Region VIII Order G-2 Under 19 (a)]

#### CONTRACT CARRIER SERVICES PERFORMED BY MOTOR CARRIERS OTHER THAN COMMON CARRIERS IN CALIFORNIA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1499.18 (c) and 1499.19 (a) of the General Maximum Price Regulation, *It is hereby ordered:*

(a) Pending final action by the Price Administrator or the Regional Administrator upon applications now on file in regard to adjustment of maximum prices, by means of an appropriate adjustment order, for contract hauling services, the maximum prices of which have been established by Revised Order No. G-23, as amended, and Revised Order No. G-57, as amended, issued by the Regional Administrator under § 1499.18 (c) of the General Maximum Price Regulation, any person subject to said orders supplying or offering to supply such services is hereby authorized to agree in any contract for such services that the contract price may be adjusted to a price not exceeding the increased maximum price which may be fixed for such services by such adjustment order as may be issued hereafter.

(b) This order shall apply in the State of California.

(c) This order may be revoked, amended or corrected at any time.

(d) This order shall become effective July 25, 1945.

Issued this 20th day of July 1945.

CHAS. R. BAIRD,  
Regional Administrator.

[F. R. Doc. 45-14578; Filed, Aug. 7, 1945;  
12:19 p. m.]

[Region VIII Order G-12 Under Supp.  
Order 94]

#### HOSPITAL BEDS AND INNER SPRING MATTRESSES IN SAN FRANCISCO REGION

For the reasons set forth in the accompanying opinion and pursuant to the authority conferred upon the Regional Administrator by sections 11 and 13 of Supplementary Order 94, as amended; *It is hereby ordered*, as follows:

(a) The maximum prices for sales of certain new hospital beds and new inner spring mattresses hereinafter described, purchased from the Department of Commerce shall be as follows:

Item	Maximum price to retailers	Maximum price at retail
Hospital bed, new, adjustable, folding fracture type, 36" x 78", head height, 36", equipped with T type metal mosquito box hanger; Army Stock No. 70060.	Each \$23.50	Each \$39.50
Inner spring mattress, new, 36" x 78", with cover of blue striped ticking, sides quilt stitched; Army Stock No. Size 4, Type 11, Spec. No. VM-06A.	12.35	19.50

(b) The above prices to retailers shall be f. o. b. seller's place of business; all prices are subject to the seller's usual terms, discounts and allowances.

(c) This order shall apply to sales in the States of California, Washington, Nevada and Oregon, except Malheur County, and Arizona, except those portions of Coconino and Mohave Counties lying north of the Colorado River; and the following counties in the State of Idaho: Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone, and Idaho.

This order may be amended, revoked or corrected at any time.

This order shall become effective July 16, 1945.

Issued this 11th day of July 1945.

CHAS. R. BAIRD,  
Regional Administrator.

[F. R. Doc. 45-14580; Filed, Aug. 7, 1945;  
12:28 p. m.]

[Region VIII Order G-13 Under Supp.  
Order 94]

#### LOGGER BOOTS IN SAN FRANCISCO REGION

For the reasons set forth in an accompanying opinion and pursuant to the authority conferred upon the Regional Administrator by sections 11 and 13 of Supplementary Order 94; *It is ordered*, as follows:

(a) The maximum prices for sales of logger boots, as herein described shall be as follows:

Logger boots: Sizes 6D to 12EE, plain toe, oil tanned leather, 10 inch top, bellows tongue, cleats or hob nails, manufactured by the following firms: Chippewa, G. H. Bass and Company, Bonedry Shoe Company, and Joseph M. Herman Shoe Company.

(i) \$7.00 per pair if sold by disposal agency to jobber.

(ii) \$8.70 per pair if sold by disposal agency or jobber to retailer.

(iii) \$14.50 per pair if sold by retailer to consumer.

(b) All prices are f. o. b. point of sale.

(c) This order shall apply to sales in the States of California, Nevada, Oregon, except Malheur County, Washington, and Arizona, except those portions of Coconino County and Mohave County lying north of the Colorado River; and the following counties in the State of Idaho: Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and Idaho.

(d) This order shall become effective July 25, 1945, and shall continue in effect until the sales for which maximum prices are herein established shall be made subject to an order issued by the National Office of the Office of Price Administration.

(e) This order may be amended, corrected or revoked at any time.

Issued this 20th day of July 1945.

CHAS. R. BAIRD,  
Regional Administrator.

[F. R. Doc. 45-14581; Filed, Aug. 7, 1945;  
12:28 p. m.]

[Region VIII Order G-32 Under 3 (e)]

#### NORGE WATER COOLER IN CALIFORNIA

For the reason set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.3 (e) (2) of the General Maximum Price Regulation, *It is hereby ordered:*

(a) The maximum price for sales to retailers and at retail of Norge Water Cooler, Model P10, by sellers subject to the General Maximum Price Regulation who can not determine their maximum prices under § 1499.2 of the General Maximum Price Regulation shall be as follows:

(i) At retail, \$258.30, less discounts, allowances and price differentials no less favorable than those customarily granted by the seller.

(ii) To retailers, \$172.20, f. o. b. San Francisco or Los Angeles.

(b) This order shall apply to sales in the State of California.

(c) This order may be corrected, amended or revoked at any time.

(d) This order shall become effective July 25, 1945.

Issued this 20th day of July 1945.

CHAS. R. BAIRD,  
Regional Administrator.

[F. R. Doc. 45-14579; Filed, Aug. 7, 1945;  
12:19 p. m.]

[Region II Order G-66 Under RMPR 122]

#### PENNSYLVANIA ANTHRACITE IN PENNSYLVANIA

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122 it is ordered:



(a) *What this order does*—(1) *Dealers' maximum prices; area covered.* If you are a dealer in "Pennsylvania anthracite", this order fixes the maximum prices which you may pay, for certain sizes and quantities of "Pennsylvania anthracite" (hereinafter called simply "anthracite") delivered to or at any point in the State of Pennsylvania—Coal Area IX. Coal Area IX includes the Boroughs of Stroudsburg and East Stroudsburg; the Townships of Smithfield and Stroud; Monroe County, in the Commonwealth of Pennsylvania.

(2) *Schedules of prices, charges and discounts.* The applicable prices, authorized charges, and required discounts, from which you shall determine the maximum prices for designated sizes and quantities of anthracite delivered within Coal Area IX are set forth in Schedule I hereafter.

(3) *To what sales this order applies.* If you are a dealer in anthracite, you are bound by the prices, charges and discounts, and by all other provisions of this order for all deliveries within Coal Area IX whether or not you are located in Coal Area IX.

(b) *What this order prohibits.* Regardless of any contract or other obligations, you shall not:

(1) Sell, or in the course of trade or business, buy anthracite of the sizes and in the quantities set forth in the schedule herein, at prices higher than the maximum prices computed as set forth in paragraph (c) of this order, although you may charge, pay or offer less than maximum prices.

(2) Obtain any price higher than the applicable maximum price by:

(i) Changing the discounts authorized herein, or

(ii) Charging for any service which is not expressly requested by the buyer, or

(iii) Charging for any service for which a charge is not specifically authorized by this order, or

(iv) Charging a price for any service higher than the schedule price for such service, or

(v) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him except that a dealer may comply with requirements or standards with respect to deliveries which have been or may be issued by an Agency of the United States Government.

(vi) Using any other device by which a higher price than the applicable maximum price is obtained, directly or indirectly.

(c) *How to compute maximum prices.* You must figure your maximum price as follows:

(1) Refer to Schedule I which contains separate tables of prices for "direct-delivery" sales and "yard" sales of anthracite. (You will find Schedule I in paragraph (d).)

(2) Take the dollars-and-cents figure set forth in the applicable table of the schedule for the size and quantity you are selling.

(3) Deduct from that figure the amount of the discount which you are required to give as specified therein.

Where a discount is required, you must state it separately on your invoice.

(4) If, at your purchaser's request, you actually render him a service for which this order authorizes a charge, you may add to the figure derived as above no more than the maximum authorized service charge. You must state that charge separately on your invoice. The only authorized service charges are those provided for in Schedule I.

(d) *Schedule I.* Schedule I establishes specific maximum prices for certain sizes of anthracite in certain specific quantities, delivered to or at any point within Coal Area IX. There are separate tables of prices for "direct-delivery" sales and "yard" sales.

(1) *Sales on a "direct-delivery" basis for sales of anthracite of the sizes and in the quantities specified.*

Size	Per net ton	Per net ½ ton	Per net ¼ ton	Per 100 lbs. (for sales of 100 lbs. or more, but less than ¼ ton)	Per net 50-lb. bag
Broken, egg, stove, nut.....	\$13.00	\$7.00	\$3.65	\$0.80	\$0.45
Pea.....	11.10	6.05	3.15	.70	.40
Buckwheat.....	9.05	5.05	2.65	.65	.375
Rice.....	8.20	4.60	2.45	.60	.35
Barley.....	6.90	3.95	2.10		
Screenings.....	4.25	2.15			

*Required discounts.* You shall deduct from the prices set forth in table (1) of this schedule, on sales and deliveries of all sizes except screenings, a discount of 50¢ per net ton, and 25¢ per net ½ ton, where payment is made within ten days after delivery. Nothing in this subparagraph requires you to sell on other than a cash basis.

#### MAXIMUM AUTHORIZED SERVICE CHARGES

*Special service rendered at the request of the purchaser and maximum authorized charges*

"Carry" or "wheel": 40¢ per net ton; 20¢ per net ½ ton.

For deliveries involving hauling beyond five miles from the dealer's yard: 50¢ per net ton for each five miles or fraction thereof beyond five miles from the dealer's yard.

(2) *"Yard" sales for sales of anthracite of the sizes and in the quantities specified.*

Size	Per net ton	Per net ½ ton	Per net ¼ ton	Per 100 lbs. (for sales of 100 lbs. or more, but less than ¼ ton)	Per net 50-lb. bag
Broken, egg, stove, nut.....	\$12.00	\$6.50	\$3.40	\$0.70	\$0.40
Buckwheat.....	8.05	4.55	2.40	.55	.325
Pea.....	10.10	5.55	2.90	.60	.35
Rice.....	7.20	4.10	2.20	.50	.30
Barley.....	5.90	3.45	1.85		
Screenings.....	3.25	1.65			

*Required discounts.* You shall deduct from the prices set forth in table (2) of this schedule, on sales and deliveries of all sizes except screenings, a discount of 50¢ per net ton, and 25¢ per net ½ ton,

where payment is made within ten days after delivery. Nothing in this subparagraph requires you to sell on other than a cash basis.

(3) For sales of anthracite bagged in units other than 50 lbs., maximum prices shall be calculated proportionately on the basis of the maximum prices applicable to sales of bagged coal in 50-lb. units. Such prices shall include the bag.

(c) *Commingleing.* If you sell one size of anthracite commingled with another size of anthracite, your maximum price for the combination shall be the maximum price established in this order for the smallest of the sizes so commingled, except in the following situation. Where a purchaser requests that two or more sizes of anthracite be commingled in one delivery, then, and in that event, if those sizes are separately weighed at the point of loading, the dealer may commingle those sizes in the truck or other vehicle in which the delivery is made. The price for anthracite so commingled shall be calculated on the basis of the applicable per net ton price for each size in the combination, and the invoice shall separately state the price, so determined, for the quantity of each size in the combination.

(f) *Ex parte 148 freight rate increase.* Since the Ex parte 148 freight rate increase has been rescinded by the Interstate Commerce Commission, the dealers' freight rates are the same as those of December 1941. Therefore, you may not increase any schedule price on account of freight rates.

(g) *Addition of increase in supplier's maximum prices prohibited.* You may not increase the specific maximum prices established by this order to reflect, in whole or in part, any subsequent increase to you in your supplier's maximum price for the same fuel. The specific maximum prices already reflect increases to you in your supplier's maximum prices occurring up to the effective date of this order. If increases in your supplier's maximum prices should occur after such date, as the result of any amendment to or revision of a maximum price regulation issued by the Office of Price Administration governing sales and deliveries made by such suppliers, the Regional Administrator will, if he then deems it to be warranted, take appropriate action to amend this order to reflect such increases.

(h) *Taxes.* If you are a dealer subject to this order, you may collect, in addition to the specific maximum prices established herein, provided you state it separately, the amount of the Federal tax upon the transportation of property imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by you, or an amount equal to the amount of such tax paid by any of your prior suppliers and separately stated and collected from you by the supplier from whom you purchased. On sales to the United States or any agency thereof, or to the State of New York or any political subdivision thereof, you need not state this tax separately.

(i) *Adjustable pricing.* You may not make a price adjustable to a maximum price which will be in effect at some time



after delivery of the anthracite has been completed; but the price may be adjustable to the maximum price in effect at the time of delivery.

(j) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that a petition shall be filed with the Regional Administrator and acted upon by him.

(k) *Right of amendment or revocation.* The Regional Administrator or the Price Administrator may amend, revoke or rescind this order or any provision thereof, at any time.

(l) *Applicability of other regulations.* If you are a dealer subject to this order, you are governed by the licensing provisions of Licensing Order 1. Licensing Order 1 provides, in brief, that a license is required of all persons making sales for which maximum prices are established. A license is automatically granted. It is not necessary to apply for the license. The license may be suspended for violations in connection with the sale of any commodity for which maximum prices are established. If your license is suspended, you may not sell any such commodity during the period of suspension.

(m) *Records.* If you are a dealer subject to this order, you shall preserve, keep, and make available for examination by the Office of Price Administration, a record of every sale of anthracite hereunder, showing the date, the name and address of the buyer, if known, the per net ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also state separately each service rendered and the charge made for it.

(n) *Posting of maximum prices: sales slips and receipts.* (1) If you are a dealer subject to this order, you shall post all your maximum prices (as set forth in the applicable table and schedule of this order) in your place of business in a manner plainly visible to and understandable by the purchasing public.

(2) If you are a dealer subject to this order, you shall, except for a sale of less than one-half ton, give each purchaser a sales slip, invoice, or receipt showing your name and address, the kind, size and quantity of the anthracite sold to him, the date of the sale or delivery, and the price charged, separately stating the amount, if any, of the required discounts which must be deducted from and the authorized service charges and the taxes, which may be added to, the specific maximum prices prescribed herein.

In the case of all other sales, you shall give each purchaser a sales slip or receipt containing the information described in the foregoing paragraph, if requested by such purchaser.

(o) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Scranton District Office of the Office of Price Administration, or with the Price Panel of the appropriate War Price and Rationing Board.

(p) *Definitions and explanations.* When used in this Order G-66, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political sub-divisions, or any agency of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer and deliver, and contracts and offers to do any of the foregoing. The term "sale", "selling", "sold", "seller", "buy", "purchase" and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling anthracite of the sizes set forth in the schedules herein, and does not include a producer or distributor making sales at or from a mine, a preparation plant operated as an adjunct of any mine, or a briquette plant.

(4) "Pennsylvania anthracite" means all coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(5) The sizes of "Pennsylvania anthracite" described herein as broken, egg, stove, nut, pea, buckwheat, rice, barley and screenings, shall refer to the same sizes of the same fuel as were sold and delivered in the State of Pennsylvania-Coal Area IX with such designations during December 1941. Under no circumstances, however, shall the anthracite contain an ash content in excess of the limits specified by Amendment No. 1 to Solid Fuels Administration for War Regulation No. 9.

(6) "Direct delivery" means delivery to the buyer's bin or other storage space designated by buyer.

(7) "Carry" and "wheel" refer to the movement of coal to buyer's bin or storage space in baskets or other containers, or by wheelbarrow or barrel, from seller's truck or vehicle, or from the point nearest and most accessible to the buyer's bin or storage space at which the coal is discharged from seller's truck in the course of "direct delivery".

(8) "Yard sales" means sales accompanied by physical transfer to the buyer's truck or vehicle at the yard, dock, barge, car or at a place of business of the seller other than at seller's truck or vehicle.

(9) Except as otherwise provided herein, or as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to terms used herein.

(q) *Effect of order on Revised Maximum Price Regulation No. 122.* This order shall supersede Revised Maximum Price Regulation No. 122 except as to any sales or deliveries of solid fuels not specifically subject to this order.

NOTE: The record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G-66 shall become effective July 30, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of July 1945.

CHARLES T. ABERNETHY,  
Acting Regional Administrator.

[F. R. Doc. 45-14561; Filed, Aug. 7, 1945; 12:18 p. m.]

[Savannah Order 3-R Under Restaurant MPR 2]

#### ALCOHOLIC BEVERAGES AND WINES IN SAVANNAH GA., DISTRICT

For the reasons set forth in an opinion issued simultaneous herewith and under the authority vested in the District Director of the Savannah, Georgia, District Office of the Office of Price Administration, under Amendment No. 1 to Order No. 3 Restaurant Maximum Price Regulation 2, Regional Delegation Order No. 72, it is hereby ordered:

1. That if you own or operate an eating or drinking establishment offering alcoholic beverages and wines for consumption on the premises, you must, on or before April 16, 1945, list on a poster as required in said Order No. 3, as amended, not more than fourteen types of wines in place of alcoholic beverages, as set forth in said order.

(a) If you do not offer as many as fourteen types of wines, list on your poster the types of wine you do offer.

All other requirements of the said Order No. 3 to Restaurant Maximum Price Regulation 2 are to remain unchanged.

This order shall become effective April 13, 1945.

Issued the 13th day of April 1945.

R. E. THORPE,  
District Director.

[F. R. Doc. 45-14556; Filed, Aug. 7, 1945; 12:21 p. m.]

[Miami Rev. Order G-1 Under Gen. Order 50, Amdt. 1]

#### MALT AND CEREAL BEVERAGES IN MIAMI, FLA., DISTRICT

An opinion accompanying this amendment has been issued simultaneously herewith. Revised Order No. G-1 under General Order No. 50 is amended in the following respects:

1. The tax legend or statement appearing at the bottom of each page of Appendices A and B of the order is amended to read as follows:

Sellers who are required to pay a Federal Excise Tax on cabarets may add same to above prices if such tax is separately stated and collected.

Sellers who are required to pay the July 1, 1945, increase in the Florida Beverage tax may add to above prices the



following charges if same are separately stated and collected:

*Bottled Beer and Ale*

12-oz. bottles, or less: 2½¢ per bottle.  
32-oz. bottles: 4¼¢ per bottle.

*Draft Beer and Ale*

6-oz. glass: 0.007¢ per glass.  
10-oz. glass: 0.013¢ per glass.  
8-oz. glass: 0.01¢ per glass.  
12-oz. glass: 0.015¢ per glass.  
All other quantities: 17¢ per gallon pro-rated to the amount in the container.

If the resulting sum as figured above equals or exceeds ½¢, the fraction may be increased to the next higher cent, but if it is less than ½¢, the fraction must be reduced to the next lower cent.

All other taxes are included in above prices.

This amendment to Revised Order No. G-1 shall become effective July 10, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; G.O. 50, 8 F.R. 4808)

NOTE: The above tax statement also super-sedes the tax statement appearing on the 1-B, 2-B, and 3-B posters.

Issued at Miami, Florida, this 7th day of July 1945.

E. H. HULSE,  
Acting District Director.

[F. R. Doc. 45-14563; Filed, Aug. 7, 1945;  
12:19 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-1119]

### COLUMBIA GAS & ELECTRIC CORP.

#### NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 6th day of August, 1945.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Columbia Gas & Electric Corporation ("Columbia"), a registered holding company and a subsidiary of The United Corporation, also a registered holding company;

All interested persons are referred to the said filing which is on file in the office of the Commission for a statement of the transactions therein proposed, which may be summarized as follows:

Columbia proposes to issue and sell to certain commercial banks (presently unidentified) \$22,000,000 principal amount of notes bearing interest at the rate of 1½% per annum, to mature in two years. The proceeds of such notes (\$22,000,000), together with \$10,640,000 of treasury funds, are to be utilized to call for redemption and retire all Columbia's 25-year 5% Debenture Bonds, due May 1, 1952, presently outstanding in the principal amount of \$32,000,000. Such bonds are to be called at the present call price of 102% plus accrued interest. In connection therewith, Colum-

bia proposes to charge to its earned surplus since December 31, 1937 the premium to be paid in connection with the redemption of such bonds (\$640,000) and the balance of unamortized debt discount and expense applicable to the bonds (\$248,397.09) as of June 30, 1945, and to credit such surplus account with the amount of tax reduction resulting from the retirement of the bonds and the payment of the premium in connection therewith.

The declarant states that the issue and sale of these notes represents a temporary form of financing pending the completion by Columbia of the various steps of its Integration Plan involving, among other things, (a) the refinancing of The Cincinnati Gas & Electric Company and The Dayton Power and Light Company and the disposition by Columbia of its interest in these companies; and (b) the retirement of Colorado's outstanding indebtedness, preferred and preference stocks.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to such matter;

It is ordered, That a hearing on such matter under applicable provisions of said act and the rules of the Commission promulgated thereunder be held on August 15, 1945, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Henry C. Lank, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That any person desiring to be heard or otherwise wishing to participate in the proceedings shall file with the Secretary of the Commission, on or before August 11, 1945, his request or application therefor, as provided by Rule XVII of the rules of practice of this Commission.

It is further ordered, That, without limiting the scope of the issues presented by said filing, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the proposed issuance of notes complies with the applicable requirements of section 7 of the act;

(2) Whether the fees, commissions, or other remuneration to be paid in connection with the issue and sale of said notes are reasonable;

(3) Whether the terms and conditions of said notes are detrimental to the public interest or the interest of investors and consumers;

(4) Whether the accounting entries to be recorded in connection with the proposed transactions are proper and conform with sound and accepted principles

of accounting under the standards of the Act;

(5) Generally, whether the proposed transactions comply with all the applicable provisions and requirements of the act and rules and regulations promulgated thereunder and whether it is necessary or appropriate in the public interest or for the protection of investors and consumers to impose terms and conditions in respect thereof.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 45-14582; Filed, Aug. 7, 1945;  
1:52 p. m.]

## THOMAS ARTHUR STEWART AND NATIONAL ASSN. OF SECURITIES DEALERS, INC.

### ORDER DISMISSING REVIEW PROCEEDING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of August, A. D. 1945.

In the matter of application of Thomas Arthur Stewart for review of disciplinary action taken against him by the National Association of Securities Dealers, Inc. Case No. 16 of District No. 11.

Thomas Arthur Stewart having applied to the Commission pursuant to section 15A of the Securities Exchange Act of 1934 for review of action taken by the National Association of Securities Dealers, Inc., by which he was suspended from membership in said association for a period of one year;

Hearings having been held after appropriate notice, the Commission being duly advised and having this day issued its findings and opinion herein;

On the basis of said findings and opinion, and pursuant to section 15A (h) of said act,

It is ordered, That the proceeding for review herein be and it hereby is dismissed.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 45-14583; Filed, Aug. 7, 1945;  
1:52 p. m.]

## SURPLUS PROPERTY BOARD.

[SPB Reg. 3, Order 83]

### INDIANA AND OHIO

#### ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the areas named below by a shortage of trucks; It is hereby ordered, That:



1. The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Adams, Bartholomew, Blackford, Boone, Carroll, Cass, Clinton, Decatur, Delaware, Fayette, Grant, Hamilton, Hancock, Hendricks, Henry, Howard, Huntington, Jay, Johnson, Madison, Marion, Miami, Randolph, Rush, Shelby, Tipton, Union, Wabash, Wayne, and Wells Counties, Indiana, 47 one-and-one-half-ton cargo-stake-and-platform and cargo trucks, and 59 one-and-one-half-ton cargo, cargo-stake-and-platform, van, and dump trucks, and shall without

regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

2. The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Franklin County, Ohio, 3 one-and-one-half-ton cargo-stake-and-platform, dump, and cargo trucks, 1 one-half-ton pickup truck, and 1 one-and-one-half-ton cargo-stake-and-platform truck, and shall without regard to the requirements of Surplus Property Board

Regulation No. 2 (10 F.R. 5104, 8911, 9478) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,  
W. STUART SYMINGTON,  
*Chairman.*

EDWARD H. HELLER,  
*Member.*

ROBERT A. HURLEY,  
*Member.*

AUGUST 4, 1945.

[F. R. Doc. 45-14648; Filed, Aug. 8, 1945;  
11:51 a. m.]